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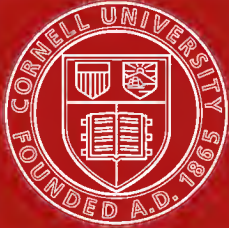
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TRIAL OF JOHN JASPER FOR THE
MURDER OF EDWIN DROOD



Fabrikant Louis
Charles Deben

TRIAL OF JOHN JASPER FOR THE
MURDER OF EDWIN DROOD

TRIAL
of
JOHN JASPER
FOR THE
MURDER
OF
EDWIN DROOD

in aid of

SAMARITAN,
CHILDREN'S HOMEOPATHIC,
ST. AGNES *and* MT. SINAI
HOSPITALS

April 29, 1914

ACADEMY OF MUSIC,
PHILADELPHIA, U. S. A.

PUBLISHED BY THE
PHILADELPHIA BRANCH DICKENS FELLOWSHIP
JOHN M. PATTERSON, *President and Editor*

Limited Edition

O*F which Five Hundred numbered and
registered copies have been printed*

Number.....

87

John M. Patterson
.....
President and Editor




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Mortui Sunt



JOHN P. ELKIN, October 3, 1915
SARAH A. EVANS, December 29, 1915
GEORGE W. KENDRICK, February 26, 1916
JAMES W. KING, February 24, 1915
J. PARKER NORRIS, March 17, 1916
JOHN THOMSON, February 23, 1916
WILLIAM T. TILDEN, July 29, 1915
J. WILLIAM WHITE, April 24, 1916

Patronesses

MRS. J. PARKER NORRIS, JR., *Chairman*

Audenreid, Mrs. Charles Y.	Lit, Mrs. Samuel D.
Barratt, Mrs. Norris S.	Lovett, Mrs. Henry
Bell, Mrs. John C.	Martin, Mrs. J. Willis
Blankenburg, Mrs. Rudolph	McMichael, Mrs. Charles B.
Brown, Mrs. William Findlay	Murphy, Mrs. Thos. E.
Bullock, Mrs. J. Maxwell	Ober, Mrs. Thomas K.
Burpee, Mrs. G. H.	Patterson, Mrs. John M.
Carson, Mrs. Hampton L.	Peddie, Mrs. Mary H.
Cochrane, Mrs. Travis	Pedrick, Mrs. Washington F.
Coughlin, Mrs. John P.	Pusey, Mrs. Frederick T.
Crawford, Mrs. Andrew W.	Ridgway, Mrs. Thomas
Dixon, Mrs. George Dallas	Rogers, Mrs. Joseph P.
Donoghue, Mrs. Daniel C.	Schoff, Mrs. Frederick
Douglas, Mrs. Walter deC.	Scorer, Mrs. John G.
Earle, Mrs. George H., Jr.	Scott, Mrs. John R. K.
Eckel, Mrs. John C.	Selig, Mrs. S.
Elkin, Mrs. John P.	Sessler, Mrs. Charles
Ellison, Mrs. Wm. R.	Sipler, Miss Martha H.
Foster, Mrs. Thomas C.	Smith, Mrs. Frank
Fraley, Mrs. Frederick	Smith, Miss A. Walker
Geiger, Mrs. Mary S.	Sullivan, Mrs. Jas. F.
George, Mrs. William H.	Tener, Mrs. John K.
Gummey, Mrs. Charles F.	Thompson, Mrs. J. K.
Haggarty, Mrs. Cornelius	Tower, Mrs. Charlemagne
Hanson, Mrs. M. F.	Vare, Mrs. Edwin H.
Hetherington, Mrs. A. G.	Voorhees, Mrs. Theodore
Kane, Mrs. John Kent	Wager-Smith, Miss Curtis
Kendrick, Mrs. Murdock	Wentz, Mrs. Caroline Hance
Knowles, Mrs. Wm. Gray	Whelen, Mrs. Wm. B.
Krusen, Mrs. Wilmer	Woodin, Mrs. Percival S.
Lewis, Mrs. John F.	Wurtz, Mrs. Chas. Stewart
	Zackey, Miss Helen M.

In Charge of Programs

MRS. JOHN C. ECKEL, *Chairman*

Miss Esther Bach

Miss Catharine Brady

Miss Violet Chadwick

Miss Edna Diernbach

Mrs. Charles Drake

Miss Jane Ewing

Mrs. H. J. Fraley

Mrs. Arthur Goldsmith

Miss Mae Loftus

Miss Margaret Lukes

Miss Gertrude Lukes

Miss Clare Mulholland

Miss Ardis Tanguay

Miss Eleanor Woodward

Miss Louise Woodward

The Trial Court

The Judge

SUPREME COURT JUSTICE JOHN P. ELKIN

For the Prosecution

JOHN C. BELL

Attorney General of Pennsylvania

JOHN M. PATTERSON

Judge of Common Pleas No. 1

For the Defence

JOHN R. K. SCOTT

Congressman at Large from Pennsylvania

PERCIVAL S. WOODIN

<i>Court Officer</i>	RALPH BINGHAM
<i>Court Clerk</i>	HENRY F. WALTON
<i>Court Cryer</i>	LEVI HART
<i>Tipstaves</i>	{ ARTHUR L. WHEELER WALTER S. WHEELER
<i>Court Stenographer</i>	ERNEST N. ROSS
<i>Stage Director</i>	JOHN G. ECKEL
<i>Assistant Stage Director</i>	CHARLES SESSLER
<i>Stage Manager</i>	FRANK M. RAINGER

Characters in the Book

JOHN JASPER	<i>John P. Coughlin</i>
CANON CRISPARKLE	<i>Dr. Wilmer Krusen</i>
DURDLES	<i>John G. Scorer</i>
SAPSEA	<i>Joseph P. Rogers</i>
GREWGIUS	<i>John Kent Kane</i>
NEVILLE LANDLESS	<i>Paxon T. Deeter</i>
ROSA BUD	<i>Winifred De Mercier-Panton</i>
HELENA LANDLESS	<i>Mrs. J. Howard Reber</i>
MRS. TOPE	<i>Miss Sarah A. Evans</i>
PRINCESS PUFFER	<i>Miriam Lee Earley Lippincott</i>

Biography of Participants

The Ladies

In accordance with well recognized rules of gallantry, the editor has refrained from giving the ages of the ladies who took part in the trial. Suffice it to say that they were all young, charming and clever.

Miss Evans was a public educator in Philadelphia.

Miss De Mercier-Panton is serving as a Red Cross nurse with the Allies during the present war.

Mrs. A. Haines Lippincott is the wife of a well-known physician.

Mrs. J. Howard Reber is the wife of a prominent Philadelphia lawyer.

BALDI, C. C. A.

Born in Italy, December 2, 1862. Chevalier of the Crown of Italy. Banker, publisher and merchant.

BELL, JOHN CROMWELL, A.M., LL.B., LL.D.

Born at Elders Ridge, Pa., October 3, 1861. Graduated with honors, Law School, University of Pennsylvania, 1884; District Attorney of Philadelphia, 1903-1907; Attorney General of Pennsylvania, 1911-1915. Author: "Several Modes of Instituting Criminal Proceedings," "Public Service Law of Pennsylvania," etc. Has degree of LL.D. from Temple University, and is Trustee of the University of Pennsylvania.

BINGHAM, RALPH.

Born at Richmond, Va., August 2, 1870. Educated public schools and private tutelage; (honorary A.B., Villanova College, Pennsylvania, 1906). Humorist. Founder and ex-President International Lyceum Association of America. Author several short plays, contributor humorous articles to magazines and newspapers.

BLANKENBURG, RUDOLPH.

Born in Barntrop, Lippe Detmold, Germany, February 16, 1843. Manufacturer and importer. LL.D., Lafayette, Ursinus and Dartmouth. Author of many articles in magazines. Mayor of Philadelphia, 1912-1915.

BIOGRAPHY OF PARTICIPANTS

BROWN, WILLIAM FINDLAY.

Born in Philadelphia, July 23, 1861. Graduate of Lafayette College, 1880; Ph.B., Harvard M. S. Admitted to the Bar in 1892; First Assistant District Attorney of Philadelphia, 1908. Compiler of Brown's Digest of Laws and Ordinances of Philadelphia.

BRUMBAUGH, MARTIN GROVE.

Born in Huntingdon County, Pa., April 14, 1862. B.E., Juniata College; M.E., B.S., M.A., Ph.D., University of Pennsylvania; LL.D., Mt. Morris, Franklin and Marshall, University of Pennsylvania; Litt.D., Lafayette; Superintendent of Public Schools, Huntingdon County, 1884-90; Professor Pedagogy, University of Pennsylvania, 1895-1900, 1902-06; First Comr. Ed., Porto Rico, 1900-02; Superintendent Public Schools, Philadelphia County, 1906-15. Elected Governor of Pennsylvania, November 3, 1914. Author: History of Brethren, Standard Readers, Life and Works of Christopher Dock, etc.

BUDD, HENRY.

Born in Philadelphia, November 12, 1849. A.B., A.M., University of Pennsylvania. Lawyer. Author of St. Mary's Hall Lectures; Leading Cases in American Law of Real Property; Index Digest Weekly Notes of Cases.

CARR, WILLIAM A.

Born in Farmington, Ia., September 28, 1869. Graduate of Law Department, University of Pennsylvania. Admitted to the Bar, 1894. Twice candidate for Congress, Sixth Pennsylvania District. In general practice of law.

CARSTAIRS, J. H.

Born in Philadelphia, August 7, 1863. Actively engaged in various lines of business.

CHANDLER, FREDERICK T.

Born Hanoverton, Chester County, December 5, 1863. Educated in the public schools. Banker and broker; President of the Philadelphia Stock Exchange, 1906-07.

COUGHLIN, JOHN P.

Born in Philadelphia, February 1, 1870. Graduated from La Salle College, Philadelphia. Admitted to the Bar in 1897.

DA COSTA, J. CHALMERS.

Born in Washington, D. C., November 15, 1863. M. D., LL.D., Samuel D. Gross Professor of Surgery in the Jefferson Medical College; Attending Surgeon to the Jefferson Medical College Hospital; Consulting Surgeon to St. Joseph's Hospital. Author of "Manual of Modern Surgery"; Editor of "American Edition of Gray's Anatomy."

BIOGRAPHY OF PARTICIPANTS

DALY, THOMAS A.

Born in Philadelphia, May 28, 1871. A.M., Fordham University, 1901; Litt.D., Fordham University, 1910. Poet-humorist, "Evening Ledger." Author: "Canzoni," "Carmina," "Madrigali," "Little Polly's Pomes," "Songs of Wedlock."

DEETER, PAXSON.

Born in Reading, Pa., December 23, 1880. B.S., 1903, and LL.B., 1906, University of Pennsylvania. Member of the Philadelphia Bar

ECKEL, JOHN C.

Born in New York, August 18, 1836, but spent his early days in Illinois, where he taught school and was admitted to the bar. Entered the newspaper business in 1885. Has been city editor and managing editor of several Chicago dailies. Also held executive positions on W. R. Hearst's publications in New York. Joined the "North American" staff in January, 1901, on which paper he has been night editor since 1904. Under authority from the London parent body he became the founder of the Philadelphia Branch of the Dickens's Fellowship in 1906. He was its first president. In 1913 he published a Bibliography of Dickens's First Editions.

ELKINS, GEORGE W.

Born in Philadelphia, September 26, 1858. Educated in public and private schools. Officer and Director of many corporations. Also identified with numerous charitable institutions.

ELKIN, JOHN P.

Born in West Mahoney Township, Indiana County, Pennsylvania, January 11, 1860. Early education received in the public schools of the country. Graduated from Indiana Normal School, became a teacher, entered Law Department of the University of Michigan in 1882, graduated 1884. Admitted to the Bar in 1885. One year before his admission he was elected to the Legislature, and in 1886 was returned by an increased majority. In 1895 he was appointed Deputy Attorney-General, and four years later Governor Stone appointed him Attorney-General. In 1904 he was nominated as one of the Justices of the Supreme Court of Pennsylvania.

ELLISON, WILLIAM RODMAN.

Born in Philadelphia, April 11, 1856. Educated at the Protestant Episcopal Academy of Philadelphia, and at Geneva, Switzerland. Merchant

BIOGRAPHY OF PARTICIPANTS

FOLWELL, NATHAN T.

Born in Philadelphia, March 21, 1847. Manufacturer and dealer in textiles. President of the Manufacturers' Club. Author of pamphlet on "Protection of American Industries."

GEST, JOHN MARSHALL.

Born at Philadelphia, March 17, 1859. A.B., 1879; A.M. and LL.B., 1882, University of Pennsylvania. Admitted to the Philadelphia Bar, April 1, 1882. Judge of the Orphans' Court since 1911. In 1909 published "Practical Suggestions for Drawing Wills, &c., in Pennsylvania." In 1913 "The Lawyer in Literature" and numerous papers in legal magazines.

GRIBBEL, JOHN.

Born in Hoboken, N. J., March 29, 1858. A.M., Wesleyan University. Publisher; Officer and Director in various corporations. Elected President of the Union League in 1914.

HANSON, M. F.

Born in Philadelphia, February 16, 1867. Connected with the "Philadelphia Record" for twenty-six years.

HARRISON, CHARLES CUSTIS.

Born in Philadelphia, May 3, 1844. Educated at the Academy of the Protestant Episcopal Church, Philadelphia; A.B., 1862, and A.M., 1865, University of Pennsylvania; LL.D., Columbia University, 1895; Princeton, 1896; Yale, 1901; University of Pennsylvania, 1911. Provost of the University of Pennsylvania, 1894-1911. President of the Municipal Art Jury of Philadelphia. Publisher of Provost's Reports, 1895-1903.

HART, LEVI.

Born February 5, 1851, at Chestnut Hill, Philadelphia. Educated in the public schools, and Bryant and Stratton's College. Member of the Twenty-first Sectional School Board for twenty-three years. Member of Common Council. Cryer of the Court of Oyer and Terminer and Quarter Sessions of the Peace of Philadelphia County for twenty-five years. Compiled forms used in the Court of Oyer and Terminer in the trial of Murder Cases.

HETHERINGTON, ALBERT GALLATIN.

Born in Clarion, Pa., April 11, 1852. A graduate of Bucknell University. Has taken an active interest in artistic and literary life in Philadelphia. Director Education and Art to Pennsylvania Panama Commission.

BIOGRAPHY OF PARTICIPANTS

HUNEKER, JOHN F.

Born at Philadelphia, October 29, 1851. Educated Roth's Academy, Philadelphia. Shipped to sea in his early 20's, and saw considerable of the world, and later called to take up his father's business and subsequently became President of the Chapman Decorative Company. Always took interest in sport and became active in the Schuylkill Navy in both rowing and official work, representing the Malta Boat Club, on the Schuylkill Navy Board for many years, and was Vice-Commodore, 1881-82, also represented Philadelphia on the national Executive Committee of Amateur Rowing. Was one of the founders of the Athletic Club of the Schuylkill Navy, in 1884, and Captain of that Club for several years, during part of its successful athletic career. Contributed several times to papers and magazines on amateur sport.

JASTROW, MORRIS, JR.

Born in Warsaw, Poland, August 13, 1861. Educated at private schools, 1877, and the University of Pennsylvania. B.A., 1881, University of Pennsylvania; Ph.D., 1884, University of Leipzig; LL.D., 1914, University of Pennsylvania. Professor of Semitic Languages and Librarian at the University of Pennsylvania. Publisher of "Religion of Babylonia and Assyria"; "Study of Religion"; Religion Babyloniens und Assyriens (German); Aspects of Religious Belief and Practice in Babylonia and Assyria; Hebrew and Babylonian Traditions; Babylonian and Assyrian Birth-omens and their Cultural Significance; Civilization of Babylonia and Assyria.

JOHNSON, ALBA B.

Born in Pittsburgh, Pa., February 8, 1858. Educated at the public schools and Central High. LL.D., Ursinus College. Director of many corporations and President of the Baldwin Locomotive Works.

KANE, JOHN KENT.

Born in Wilmington, Del., September 3, 1873. Graduated from Harvard in 1893; University of Pennsylvania (Law), 1897. Admitted to the Bar in 1897.

KAVANAGH, RT. REV. MONSIEUR, CHARLES F.

Born in Philadelphia, 1867, educated in Public Schools and in La Salle College, Philadelphia. Entered St. Charles' Seminary, Overbrook, September 2, 1887, ordained to the Priesthood June 12, 1897. Catholic University, Washington, 1897-1898. Assistant Priest, St. Vincent's, Minersville; Holy Family, Manyunk; St. Francis Xavier, Philadelphia and the Cathedral; Secretary of Diocese of Philadelphia, 1906-1911; Chancellor, 1911-1914. Rector of St. Stephen's, Port Carbon and St. Katharine's, Wayne, Pa. Master of

BIOGRAPHY OF PARTICIPANTS

Arts, La Salle College; Bachelor of Theology, Catholic University, Washington. Made Domestic Prelate, with the Title of Monsignor by His Holiness, Pope Pius X on the 3d day of February, 1912.

KENDRICK, GEORGE W., JR.

Born Philadelphia, July 31, 1841. Educated in public schools; graduated from Central High School, 1858; member of Board of City Trusts; banker and director of many corporations.

KING, JAMES W.

Born in Philadelphia, October 5, 1858; died February 24, 1915; educated in Philadelphia, graduating from High School. City Editor and Managing Editor of "The Press" for a number of years. Admitted to Philadelphia Bar; appointed by Governor Tener a member of the Pennsylvania Panama-Pacific Commission and acted as its Counsel; member of the Executive Committee of Archbishop Ryan's Silver Jubilee; received an honorary degree from Lafayette College.

KRUSEN, WILMER.

Born in Bucks County, May 18, 1869. M.D., Jefferson Medical College, 1893; Instructor at Jefferson Medical College 1894; Vice-President and Professor of Gynecology at Temple University; Director of Health and Charities of the City of Philadelphia; Fellow of the College of Physicians of Philadelphia; Fellow of American College of Surgeons.

LEWIS, FRANCIS A.

Born in Philadelphia, October 1, 1857. B.A., LL.B., M.A., University of Pennsylvania. Attorney-at-Law retired. Director of many corporations. Editor Smith's Leading Cases, Law of the Stock Exchange; author of many pamphlets, chiefly on Ecclesiastical Subjects.

LONG, JOHN LUTHER.

Born in Philadelphia, 1861. Admitted to Philadelphia Bar. Author of Madame Butterfly (1898), The Fox Woman (1900), The Prince of Illusion (1901), Naughty Nan, The Dragon Fly (1905), Billy Boy, The Way of the Gods (1906), and, in collaboration with David Belasco, The Darling of the Gods (1902).

LOVETT, HENRY.

Born in Langhorne, Pa., December 5, 1865. M.D., Jefferson Medical College, 1888. President of Peoples National Bank, and of the Langhorne Spring Water Company.

MCFADDEN, JOHN H.

Born in Philadelphia, Dec. 3, 1850. Educated in the Episcopal Academy. Graduated in 1868. Well known in art, scientific and commercial circles throughout the world.

BIOGRAPHY OF PARTICIPANTS

OBERHOLTZER, ELLIS PAXSON.

Born in Chester County, Pa., in 1868. A.B., Ph.D., University of Pennsylvania. Editor, historian, Master of Pageants. Author of "The Referendum in America"; "Robert Morris, Patriot and Financier"; Abraham Lincoln; Henry Clay; The Literary History of Philadelphia; Jay Cooke, Financier of the Civil War (2 vols.); Philadelphia, a history of the City and Its People (4 vols.). Editor "American Crisis Biographies" (20 vols.).

PATTERSON, JOHN M.

Born in Philadelphia, March 4, 1874. Educated in the public schools; graduated from Law Department, University of Pennsylvania, 1896. Author of "Lawyers of Dickens' Land"; "Dickens and Christmas," and several legal essays published in the American Law Register; the Green Bag and Chicago Law Journal. Trustee of Temple University, Garretson Hospital, Samaritan Hospital; Director of Maternity Hospital. Served with the First Pennsylvania Volunteers during the Spanish-American War from May 11, 1898, to October 15, 1898. Appointed Assistant City Solicitor April, 1902; Assistant District Attorney November, 1904; elected to the Common Pleas bench of Philadelphia County in 1913.

PENNYPACKER, SAMUEL W.

Born in Phoenixville, Pa., April 9, 1843. LL.B., University of Pennsylvania; LL.D., University of Pennsylvania, Franklin and Marshall College, Mulhenberg College. Veteran of the Civil War; member of the Board of Public Education; President of the Law Academy; Judge Common Pleas Court of Philadelphia County, 1889; President Judge, 1896; Governor of the State of Pennsylvania, 1903; Trustee of the University of Pennsylvania; President of many societies. Author Digest of the English Common Law Reports, Pennsylvania Colonial Cases, 4 vols. of Pennypacker's Supreme Court Reports, 45 vols., Weekly Notes of Cases; Annals of Phoenixville; Historical and Biographical Sketches; Settlement of Germantown; Pennsylvania in American History, etc.

PEPPER, GEORGE WHARTON.

Born in Philadelphia, March 16, 1867. A.B., University of Pennsylvania, 1887; LL.B., 1889; admitted to the Bar, 1889; LL.D., University of Pennsylvania, 1907; D.C.L., University of the South, 1908; LL.D., Yale, 1914; Algernon Sydney Biddle Professor of Law, University of Pennsylvania, 1893-1910; Trustee of University of Pennsylvania; Lyman Beecher Lecturer for 1915 in Yale University; Trustee of the Carnegie Institution. Author of the Borderland of Federal and State Decisions, 1889; Pleading at Common Law and Under the Codes, 1891; Digest of the Laws of Pennsylvania, 1700-1901; Digest of Decisions and

BIOGRAPHY OF PARTICIPANTS

Encyclopædia of Pennsylvania Law, 1754-1898; The Way, 1909; A Voice From the Crowd, 1915.

ROGERS, JOSEPH P.

Born in Tamaqua, Pa., March 17, 1876. Admitted to the Philadelphia Bar in 1899; appointed Assistant City Solicitor in 1901; Assistant District Attorney, 1911; elected to the Common Pleas Bench of Philadelphia County, 1915.

ROSENBACH, A. S. W.

Born in Philadelphia, July 22, 1876; B.S., University of Pennsylvania, 1898; Ph.D., 1901; Secretary of The Rosenbach Company; Collaborator with Austin Dobson of Dr. Johnson's Prologue Spoken at the Opening of the Theatre in Drury Lane, in 1898; compiler of the Catalogues of the Works of Robert Louis Stevenson in the collection of the late H. E. Widener, 1913, etc., etc.

ROSS, ERNEST N.

Born in Prescott, Arizona, October 26, 1878. Educated in the Philadelphia public schools, Drexel Institute, Temple University and under private tutelage. Admitted to the Philadelphia Bar, 1898. Official Stenographer, Common Pleas Court, Philadelphia County, since 1897. Author of text-book, "Scenario Writing."

ROTAN, SAMUEL P.

Born in Philadelphia, January 9, 1869. A.B., A.M., Central High School; LL.B., University of Pennsylvania. Admitted to the Bar in 1892; District Attorney of Philadelphia since 1907. Author, in conjunction with Judge Patterson, of "Rights and Duties of Magistrates."

RYAN, JAMES J.

Born in Ireland in 1848; came to the United States in 1869; general contractor, retired in 1910. Philanthropist; member of the Board of Inspectors of Philadelphia County Prisons. Knight of Saint Gregory, 1907, and Knight of the Grand Cross of Saint Gregory, 1912, conferred by Pope Pius X.

SCORER, JOHN G.

Born in England in 1859. Educated in America; Ph.D. Educator and Lecturer; newspaper and magazine editor. Special writer on educational topics. Author of "Scorer's Principles of Oratory."

SCOTT, JOHN R. K.

Born at Bloomsburg, Pa., July 6, 1873. Educated in the public schools; graduated from the Central High School of Philadelphia in 1893; entered the law school of the University of Pennsylvania; admitted to the Bar in December, 1895; member of the House of Representatives of Pennsylvania session of 1899; again elected in 1908 and 1910; re-elected November, 1912; elected as Congressman-at-Large from Pennsylvania in November, 1914.

BIOGRAPHY OF PARTICIPANTS

SEARCH, THEODORE C.

Born in Southampton, Pa., March 20, 1841. A.M., Brown University, 1885. Manufacturer. President of the Pennsylvania Museum and School of Industrial Art, Philadelphia.

SESSLER, CHARLES.

Born at Vienna, November 5, 1854. Educated in the public schools, graduating from the Royal High School; took a practical course in banking. Came to the United States in 1880, entering the book business at once, establishing the present rare book center, specializing in first editions of Dickens, colored plate books, etc. Throughout his experience, he has been of assistance in the formation of bibliographical works on the subjects in which he specializes.

SMITH, EDGAR FAHS.

Born York, Pa., May 23, 1856. B.S., Pennsylvania College, 1874; Ph.D., Goettingen, 1876; Sc.D., University of Pennsylvania, 1899; University of Dublin (Ireland), 1912; Yale University, 1914; L.H.D., Muhlenberg College, 1911; Chem.D., University of Pittsburgh, 1915; LL.D., University of Wisconsin, 1904; University of Pennsylvania, 1906; Pennsylvania College, 1906; Franklin and Marshall College, 1910; Rutgers College, 1911; University of Pittsburgh, 1912; University of North Carolina, 1912; Princeton, 1913; Wittenberg, 1914; Brown University, 1914; Allegheny College, 1915. Blanchard Professor of Chemistry and Provost, University of Pennsylvania. Author of Classen's Quantitative Analysis, Clinical Analysis of Urine (with Dr. J. Marshall), Richter's Inorganic Chemistry, Smith & Keller's Chemical Experimentation, Richter's Organic Chemistry, Electro-Chemical Analysis, Oettel's Practical Exercises in Electro-Chemistry, Oettel's Electro-Chemical Experiments, Elements of Chemistry, Shorter Course Chemical Experiments, Theories of Chemistry, Elements of Electro-Chemistry, Chemistry in America.

SOLIS-COHEN, SOLOMON.

Born in Philadelphia, September 1, 1857. A.B., Central High of Philadelphia, 1872; A.M., 1877; M.D., 1883, Jefferson Medical College; Professor Clinical Medicine, Jefferson Medical College, since 1902; Emeritus Professor of Medicine and Therapeutics, Philadelphia Polyclinic. Author of "Essentials of Diagnosis"; "Therapeutics of Tuberculosis." Editor and part author of "A System of Physiologic Therapeutics." Editor or contributing editor of various medical periodicals. Author of various monographs on medical subjects; contributor to medical and general encyclopedias; contributor of essays and verses to literary periodicals.

BIOGRAPHY OF PARTICIPANTS

STAAKE, WILLIAM H.

Born in Brooklyn, N. Y., December 5, 1846. A.B., A.M., Central High of Philadelphia; LL.B., University of Pennsylvania. Judge of the Court of Common Pleas of Philadelphia County. Author of many papers and addresses.

STUART, EDWIN S.

Born in Philadelphia, December 28, 1853. LL.D., Lafayette, University of Pennsylvania and University of Pittsburgh. Merchant, President of the Board of Directors of City Trusts; Deputy Governor and member of Board of Directors of Federal Reserve Bank of Philadelphia. Mayor of the City of Philadelphia, 1891-95 and Governor of the State of Pennsylvania, 1907-11.

THOMSON, JOHN.

Born in England, 1830. Educated in London. He came to Philadelphia in 1881. For eight years private Librarian to Clarence H. Clark, and three years to Jay Gould. Has been Librarian of the Free Library of Philadelphia since its organization. In 1904 he sought the co-operation of Andrew Carnegie and obtained a gift of \$1,500,000 to be used in erection of thirty branch libraries throughout the city. Author of "Descriptive Catalogue of the Library of C. D. Clark"; "Catalogue of the Library of Jay Gould"; descriptive catalogue of the works of Sir Walter Scott; and the Library of Old Authors printed for the free library; and catalogues of the libraries of Thomas Dolan and the Rittenhouse Club; essays on "Black Books," delivered before the Antiquarian Society, and a volume entitled, "Hither and Thither," being a collection of essays on books, issued in book form in 1906. One of the founders of the Philobiblon Club, in 1904, and served continuously as its curator.

TILDEN, WILLIAM T.

Born St. George, Delaware, March 9, 1855. A.B. Central High School, Philadelphia, 1872. Merchant. President of Union League, 1912, 13, 14. Died July 29, 1915.

TOMPKINS, REV. FLOYD.

Born New York, February 7, 1850; A.B. Harvard, 1872; P.D. Gen. Theological Seminary, N. Y., 1875 (S.T.D.U. of Pa., 1901; LL.D. Temple College, 1903; D.D. University of the South, 1911); Church of Holy Trinity, Philadelphia since 1899. Author of many books.

TOWER, CHARLEMAGNE.

Born in Philadelphia, April 17, 1848. Graduated Harvard University, 1872; LL.D., 1897, Lafayette; 1903, University of Chicago; 1901, University of Glasgow (Scotland); 1903, University of St. Andrews (Scotland); 1909,

BIOGRAPHY OF PARTICIPANTS

Hamilton College. Admitted to the Philadelphia Bar in 1878. Publisher of "The Marquis de La Fayette in the American Revolution," 1895. "Essays, Political and Historical," 1914. United States Minister to Austria-Hungary, 1897. Ambassador to Russia, 1899. Ambassador to Germany, 1902-1908.

WALTON, HENRY F.

Born in Stroudsburg, Pa., October 2, 1858. LL.D., Attorney-at-Law; Assistant City Solicitor; member of the Legislature, 1891, 1893, 1895, 1903, 1905, 1906; Chairman of the Republican State Committee, 1909, 1910; Speaker of the House of Representatives, 1895, 1903, 1905, 1906; Prothonotary of the Courts of Common Pleas of Philadelphia County.

WHEELER, ARTHUR L.

Born in Philadelphia, May 11, 1873. Attended St. Paul's School, Concord, N. H. B.S. at Princeton University, 1896. Engaged in the manufacturing business.

WHEELER, WALTER S.

Born at Bryn Mawr, July 31, 1875. Educated at Haverford School and by private tutors. Banking and manufacturing; extensive traveler; Fellow Royal Geographical Society, etc. Editor of "The Optimist."

WHITE, J. WILLIAM.

Born in Philadelphia, November 2, 1850, M.D., Ph.D. University of Pennsylvania, 1871, LL.D. Aberdeen, 1906. Connected with many hospitals and medical colleges, Fellow of College of Physicians of Philadelphia, Honorary Fellow, American College of Surgeons. Publications: American Text Book of Surgery, Genito-Urinary Surgery, Human Anatomy, numerous surgical articles and text books on surgery and systems of surgery; Text Book of the War for Americans.

WOODIN, P. S.

Born in Seville, Ohio, August 21, 1873. Educated in the public schools of Akron, Ohio; student in Butler Academy and under private tutelage. Certificate to teach, Emporium, Kansas, 1889-1890; Philadelphia, 1892, Principal; 1895, Supervisor; student Post-Graduate Department, University of Pennsylvania; Ph.D. course, 1894-1897; Temple University Law Course, 1905-1908. Admitted to practice, 1909. Successively Principal and Supervisor, Maple Grove, Watson Comly, Olney, and Marshall Public Schools, 1892-1912.

Office of the Librarian
The Historical Society of Pennsylvania
Philadelphia

May 5, 1914.

Hon. John M. Patterson,
Court of Common Pleas,
City Hall, Philadelphia,

Dear Judge Patterson:-

At the suggestion of President Samuel W. Pennypacker, I am writing to request you to send us all the printed literature relating to the Trial of John Jasper, for preservation in this Society.

Yours very truly,

John W. Jordan
Librarian.

G.

Introduction

BY JOHN M. PATTERSON

We are told that the people of ancient Thebes were at one time in great fear of a certain monster which infested the highroad. It had the body of a lion and the upper part of a woman. It lay crouched on the top of a rock and arrested all travelers that came that way, proposing to them a riddle, with the condition that those who would solve the riddle should pass safely, but those who failed, should be killed. This monster was called a Sphinx, and has ever since been regarded as a fit emblem of mystery. Yet, the riddle of the Sphinx was solved by Œdipus. This so mortified the Sphinx that she cast herself down from the rock and perished. The mistake that the Sphinx made was in not asking Œdipus the right question. Had she, or he, or it, only thought to inquire about the Mystery of Edwin Drood, the monster might have been alive to-day and Œdipus would not have been the cause of such a flood of dreadful woes as Mr. Sophocles describes. Unfortunately for the Sphinx, and, perhaps fortunately for us, the Mystery of Edwin Drood was unheard of until A.D. 1870. In that year England's great novelist propounded a riddle which no one has yet been able to solve.

A great deal has been written about and concerning Dickens's last book. One writer after another has endeavored to fathom the mystery.

Amongst those who have attempted the task, perhaps the most prominent have been the late Richard A. Proctor, Mr. J. Cuming Walters and Andrew Lang. Each of these had his pet theory. Proctor, in a small book entitled "Watched by the Dead," claimed that Drood was not murdered, but, after disappearing for a while returned in disguise, and

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assumed the name of Datchery. J. Cuming Walters has written several articles on the subject. He contends that Drood was murdered, but his endeavors to explain the "mystery" have not been very satisfactory. Andrew Lang has written a very clever little volume entitled "The Puzzle of Dickens's Last Plot," in which he argues that Edwin Drood does not die by the hand of John Jasper, but, after disappearing for a time, returns alive to take up his occupation as a civil engineer.

Besides these efforts to explain "The Mystery of Edwin Drood," there have also been written several so-called sequels to the unfinished story. One of these is entitled "The Cloven Hoof," by Orpheus C. Kerr. Another is called "John Jasper's Secret," by Henry Morford, often erroneously attributed to Charles Dickens's eldest son and Wilkie Collins. Another is known as "The Mystery of Edwin Drood, Complete," wherein spiritualism is called upon to unravel the "mystery." The attempt to have communication with the spirit of Charles Dickens, and thus obtain a direct explanation of what the writer really meant, appears to have been successful. Still another sequel entitled "A Great Mystery Solved," by Gillan Vase (Mrs. Richard Newton), appeared. So one can see that "The Mystery of Edwin Drood" is a real "mystery" indeed.

For a most comprehensive survey of the Drood controversy, as well as a full list of the books on the subject, see "The Complete Edwin Drood," by J. Cuming Walters.

Now the history of the "mystery" may be divided into four parts. First—the writing of the unfinished book by the great novelist, ending in June, 1870. Second—the literary controversy as to whether Drood was murdered or not, ending in January, 1914. Third—the trial of John Jasper, by Justice Gilbert K. Chesterton and a British jury,

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on the 7th of January, 1914, at the King's Hall, Covent Garden. Fourth—the subsequent escape of Jasper to America, and his trial by Justice John P. Elkin, and a jury of Philadelphia's most prominent citizens, including a number of well-known professional and literary men at the Academy of Music, on the 29th of April, 1914.

Taking these four events in the order named, let us consider them. First, the writing of the book. It was a most unfortunate thing that Dickens did not finish the story, because it gave promise of being one of his best novels. "I hope his book is finished," Longfellow, the poet, wrote when he received the intelligence of Dickens's death, "it is certainly one of his most beautiful works, if not the most beautiful of all. It would be sad to think the pen had fallen from his hand, and left it incomplete."

We all know, or think we know, that Drood was murdered by his uncle, Jasper, but the means and the method of the murder still remain obscure. There is not one note of death in aught that Edwin Drood does or says, nor is there any direct evidence that he is really dead, or even that his life was attempted by Jasper. Everything is circumstantial. There is no doubt, however, that Dickens intended to convey the impression that Edwin Drood was murdered by Jasper.

As to the books which have been written, the most that can be said of the best of them is that they are clever. None of them is convincing, because all of them are simply speculations and theories. The very fact that the case, when tried in London, excited so much interest, indicates that the various controversial book-writers had been unable to convince many people.

Ordinarily the verdict of a British jury satisfies the British public. But the verdict of "manslaughter," which was rendered against John Jas-

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per, instead of satisfying the public, only left confusion more confounded and added to the uncertainty already existing. Not only did the English people declare that the verdict meant nothing, but the entire Dickensian world protested that Jasper should have been convicted of murder, or else acquitted. He was guilty, or not guilty, and a verdict in the Pickwickian sense would never do, even if Bernard Shaw were foreman of the jury which rendered such a verdict.

It was not with any idea of absolutely settling the question, one way or another, that the Philadelphia Branch of the Dickens Fellowship decided to have John Jasper tried for the murder of Edwin Drood. In the opinion of the writer the question will never be satisfactorily settled for many reasons. It may even be doubted if Charles Dickens really knew what the final outcome of the story was to be. The object of the trial was simply to present the facts set forth in the book, and no others, to a jury of twelve intelligent and representative citizens; to have those facts presented by learned and experienced advocates in the same manner that facts are presented in a court of justice and subject to the rules of judicial evidence; and to have those advocates use their utmost ability in endeavoring to convince the twelve jurors that the facts either showed, or failed to show, that John Jasper murdered Edwin Drood. Surely such a proceeding was as likely to shed light upon the question as any other method. Of course, in addition to this, there was also the desire to entertain the audience, and to widen, if possible, the interest in the writings of Charles Dickens. It should also be remembered that the average man or woman has never seen the trial of a murder case, and it was intended to give the public a correct representation of a murder trial. There is always something fascinating about such a case. It is hard to tell to what

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this interest is due. It may be due to the fact that crime represents something abnormal—something which expresses the exact opposite to the almost exaggerated routine of a well-disciplined existence—or perhaps it may be due to those vehement and irregular passions of men which are so unexpectedly brought to the surface. Perhaps a little of both, or perhaps it is occasioned by that manifestation of the element of error and uncertainty which ever and anon seems to mock, as with the silent laughter of a Sphinx, the most cautious and deliberate inquiry into a few meagre facts which seem to evidence a crime. Nevertheless the interest exhibited by all sorts and conditions of men and women in the outcome of a criminal trial is so common, and so keen, that it really helps to make the whole world kin.

We never tire of reading, again and again, the history of celebrated trials, whether they be of real personages or of creatures of the imagination.

No less a personage than Edmond Burke once said: "I have often wondered that the English language contains no book like the *causes célèbres* of the French. Such a collection would exhibit man as he is in action and principle, and not as he is usually drawn by poets and speculative philosophers."

To-day there are many books which deal with celebrated trials both in Europe and America. Most of us are familiar with accounts of the trials of Sir Walter Raleigh, of Thomas, Earl of Strafford, of the poet, Richard Savage, of the Salem Witches, of Warren Hastings, of Aaron Burr, of Professor Webster, of Alfred Dreyfus, and a host of others too numerous to mention. These cases not only created a lively interest at the time, but have been able to retain a place in the pages of books still worth reading.

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Then there are those celebrated trials to be found in the great works of fiction. Shakespeare has given us a wonderful trial scene in the Merchant of Venice. Bulwer and Hood have spun their webs of romance around the schoolmaster of Lynn, until it is hard to tell where fiction begins and history ends. In *The Heart of Midlothian*, the Wizard of the North has made Effie Deans the central figure in a most stirring picture of court room proceedings.

There never was a better stage presentation of a court proceeding than that which took place at the American Academy of Music on the evening of April 29th, 1914. The old Academy had been the scene of many extraordinary performances in the past. From July 26th, 1855, when the cornerstone was laid in the presence of Mayor Robert T. Conrad, and a great gathering of the patrons of the opera, until the night of the famous Jasper Trial, the stage of this historic building has echoed the foot-falls of many of the world's celebrities.

On January 26th, 1857, the formal opening was celebrated by a magnificent ball, at which the wealth and fashion of Philadelphia gathered in full force. The house was opened for its legitimate use by E. A. Marshall, with Verdi's "*Il Trovatore*," sung by Max Maretzek's opera troupe, of which the famous Madame Marietta Gazzaniga was the *prima donna*; the full cast being as follows: Leonora, Madame Gazzaniga; Azucema, Mlle. Aldini; Maurico, Sig. Brignoli; Count di Luna, Sig. Amodio; Ferando, Sig. Coletti; Old Gypsy, Sig. Muttro.

In 1860 a great ball was given at the Academy in honor of the Prince of Wales, later Edward VII. He was delighted at the architectural splendors of the building, and said so in unequivocal terms.

Too exhaustive is the list of world renowned singers who have gained additional laurels on the stage of this great play-house. Suffice to say that



THE ACADEMY OF MUSIC
Where the trial took place

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the roster includes Adelina Patti, Mancusi, Morentsi, Sulzer, Mazzalini, Bellini, Calletti, Medori, Zuchi, Bosisio, Carnien Poch, Hauk, Parepa Rosa, Anna de la Grange, Torriani, Albani, Anna Christine Nilsson, Campanini, Maurel, Nannetti, Ranconi, Pappenheim, and the great stars whose names have become household words within the last three decades.

Grant was nominated for his second term as President of the United States by a Republican Convention held in the Academy in 1872. This was one of the most important of the many political events held there.

Occasionally conspicuous dramatic representations were given by Edwin Forrest, Charlotte Cushman, and special companies organized for the performance of particular plays.

Booth, Ristori and Salvini also appeared there in repertoire.

Among the famous instrumentalists who have given concerts at the Academy are Ole Bull, Vieuxtemps, Rubenstein, Weiniawski, Von Bulow, Sauret, Moreau, Legendre, Gottschalk, Marie Krebs, Mehlig, Schiller, Careno, Godard and Paderewski.

The Stoddard illustrated travel pictures had their first presentation in the Academy, and among the prominent men in the intellectual world who drew immense audiences were Henry Ward Beecher, Robert G. Ingersoll, T. B. Pugh, John B. Gough and T. Dewitt Talmage.

Dom Pedro, Emperor of Brazil, was frequently at the Academy during the Centennial.

It will thus be seen that no fitter place on the American continent could have been chosen wherein to try this most celebrated case. With such a celebrated trial, and in such an historic court room, it was necessary that the trial judge should represent the best traditions of the American judiciary, and that the jury should consist of men who command

TRIAL OF JOHN JASPER

the esteem and confidence, not only of the parties, but of the community, as well. The Judge selected to preside was Justice John P. Elkin, of the Supreme Court of Pennsylvania.

The jury, as finally drawn, consisted of:

1. John Bach MacMaster
2. George W. Elkins
3. James W. King
4. A. G. Hetherington
5. William Findlay Brown
6. Rudolph Blankenburg
7. Edgar Fahs Smith
8. George Wharton Pepper
9. Samuel W. Pennypacker
10. J. Parker Norris
11. Charlemagne Tower
12. J. William White.

The prosecution had retained as its attorneys, Attorney-General John C. Bell and Judge John M. Patterson.

The defense was represented by Attorneys John R. K. Scott and Percival S. Woodin.

Of course the real John Jasper did not appear at the trial, because he existed only in the fancy of the "Inimitable Boz."

The melancholy schemer was portrayed by John P. Coughlin, a member of the Philadelphia Bar.

Mr. Coughlin as John Jasper was a triumph of impersonation. He sat in the dock quietly, throughout most of the trial, watching the witnesses from under his dark brows, sometimes covering his face with his hand, at other moments leaning forward to keep his intense gaze on Rosa Bud. When he took the stand his nimble wit in parrying dangerous questioning during cross examination, won him much

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praise. Under the law, as it existed, at the period laid in the book, Jasper could not have testified.

Dr. Wilmer Krusen, a prominent surgeon, essayed the part of Crisparkle, and gave just the right clerical touch to the honest, kindly, boyish, athletic canon.

Mayor Sapsea appeared in the person of Joseph P. Rogers, who was at that time an assistant district attorney, and is now a Common Pleas Judge. He was the pompous auctioneer to the life, though far more keen witted. He seemed to enter into the spirit of the part as thoroughly as any professional actor. His costume, make-up, mannerisms and repartee, all combined to draw continued laughter from the audience, and a burst of deserved applause when he left the witness stand.

The drunken Durdles, as enacted by John G. Scorer, was delicious. He made an excellent witness. He imitated the popular conception of intoxication to such perfection that when he left the stand he was followed by a murmur of approval which is even more significant of appreciation than the perfunctory handclapping.

The angular Mr. Grewgious was cleverly impersonated by John Kent Kane, a member of the Philadelphia Bar.

Neville Landless was excellently acted by Paxson Deeter, Esq., a member of the Philadelphia Bar.

Ralph Bingham played the part of a typical English Bobby. While "not in the book," and, according to the canons of the critics, not properly in the trial at all, because they don't have English Bobbies in Courts, Mr. Bingham made a decided "hit."

The two tipstaves, Athur L. and Walter S. Wheeler, of giant bulk, were superb in their brilliant uniforms. In appearance and actions they added glowingly to the scene.

The women, Rosa Bud, played by Miss Winifred

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de Mercier; Mrs. Tope, done by Miss Sarah A. Evans; Helena Landless, by Mrs. J. Howard Reber, and the Princess Puffer, by Mrs. Miriam Lei Earley Lippincott, were all excellent, fitting their roles like the glove on your hand.

Mrs. Lippincott, in particular, gave a dramatic and horribly realistic portrayal of the opium woman. Her performance was one of the notable points of the evening.

A word as to the stage and the house. The setting was most impressive. The Academy stage presented a true and accurate picture of the English court room. The chairs of the witnesses and jurors, the counsel table, seats for spectators, and the bench upon which Justice Elkin sat, were exact reproductions of the courts of England during the time of Dickens. The characters in the trial, from the justice down to the spectators, were arrayed in costumes familiar to the lover of the English novelist. No detail was omitted to take the audience back more than a half century.

The court room was so arranged that the presiding judge faced an audience, made up of Philadelphia's wealth, learning, business activity, culture and beauty, that filled the Academy from parquet to amphitheatre.

The trial began at 7.30 o'clock P. M., and lasted until 12.30 A. M. As an evidence of the intense interest which the audience had in the outcome of the trial, it is sufficient to say that few, if any, failed to remain until the verdict was rendered.

After retiring to deliberate, the jury remained out for the best part of an hour. It had been agreed beforehand that a majority vote should decide. Of course, under the law of Pennsylvania, the verdict of the jury must be unanimous. One of the reasons for having a majority vote to decide the nature of the verdict in the Jasper trial was in order that the

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audience should not be detained for an indefinite time.

When the jury first retired, the vote was six for conviction, and six for acquittal. It subsequently changed to nine for acquittal and three for conviction. When the jury was finally poled, after returning to the court room, the vote stood eleven for acquittal and one for conviction. The defense had relied mainly on the *failure* of the prosecution to prove that *anybody* had been murdered. In Pennsylvania, and many other jurisdictions, it is a general rule that the prosecution has the burden of proving that a crime has been committed before the jury proceed to inquire as to who committed it. That means that in a murder case, it must first be shown that somebody is really dead. This is ordinarily a question for the court and not for the jury. A conviction cannot be sustained unless the *corpus delicti*, as it is technically called, be clearly established. Instances have occurred where a person has been convicted of having killed another, and where, after the supposed criminal has been put to death for the supposed offense, the man alleged to have been murdered has made his appearance alive. The wisdom of the rule is therefore obvious. Of course if this rule as to establishing the *corpus delicti*, had been rigidly adhered to in the Trial of John Jasper, it might have been necessary for the trial judge to have taken the case from the jury. It was, therefore, deemed better to allow the jury to consider the entire question, and to say from all the evidence whether— (1) there was enough to establish a death; and (2) —whether such death was caused by the criminal agency of John Jasper.

As already stated, eleven of the jury declared that there was not sufficient evidence to warrant a verdict of guilty. In a regularly constituted court of justice, of course, there could not have been a conviction.

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tion under the evidence; but when one considers the character of the jury at the Academy and remembers that the *corpus delicti* was not required to be proven, in a strictly legal manner, but that the lay mind was allowed to draw any inference it chose from the evidence, then it is fair to assume that the vote of this jury represents the average opinion of men of more than average intelligence who have had both sides of the question fully presented to them. Such being the case then "The Mystery of Edwin Drood" takes its place alongside of those other great historical literary mysteries. There are a great many of them. The mystery of the Man in the Iron Mask, whose mask, we are told, was not iron at all but velvet, still fascinates the young and the old. The murderer of Sir Edmund Berry Godfrey has never been identified, though three guiltless men have been hanged for the supposed crime. The author of the "Letters of Junius" is still unknown, although many people suppose him to have been Sir Philip Francis. There is still much discussion as to the identity of James de la Cloche and whether he was what he claimed to be or a rank imposter. Then we have *L'Affaire du Collier*, the old familiar story of Jeanne de Valois, Cardinal Rohan, Cagliostro, Marie Antonette and the diamond necklace. Who among us has not speculated upon this most fascinating episode in French history? Who has not sympathized with the beautiful Queen?

Some people doubt that the Bard of Avon "wrote Shakespeare." The Baconian Creed, in regard to the Shakespeare plays, has been advocated in hundreds of books and pamphlets. It is scouted by most of us, but "there are foolisher fellows than the Baconians" says a sage—"those who argue against them." The list of famous mysteries is long and interesting—too long to be recited here. It is with the trial of John Jasper at the Academy of Music that we are con-

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cerned, and not with these other mysteries, so we must confine ourselves to that question.

There is one celebrated mystery, however, that deserves special mention. Who does not recall the controversy over the antiquarian discovery made by Mr. Pickwick wherein seventeen learned societies participated? We are told that to this day the stone which the great Pickwick discovered, near the Leather Bottle at Cobham, remains an illegible monument of his greatness and a lasting trophy to the littleness of his enemies.

In concluding this introduction let us pay tribute to the genius of him who has added much to the happiness of our lives. All honor to Charles Dickens, the master of humor and pathos, the kindly engenderer of the Christmas spirit, the propounder of the unsolved riddle of the Mystery of Edwin Drood. His name still lives because of the vitality of his works, and their perennial freshness and graphic character delineations. His imagination, his fancy, his wit, his keen observation, and his wonderful descriptive powers, united with a charming spirit of universal brotherhood, prove his right to sleep in the old Abbey undisturbed by any earthly thing save that homage which belongs to the honored dead.

JOHN M. PATTERSON

Philadelphia, March 14th, 1916.

Trial of John Jasper for the Murder of Edwin Drood

COURT CRIER: O Yea! O Yea! O Yea! All manner of men who stand bound by recognizance or otherwise have to do before the Honorable, The Judges of the Court of Oyer and Terminer, General Jail Delivery and Quarter Sessions of the Peace, at the Assizes here holden this day for the County of Philadelphia, may now appear and they shall be heard. God save the Commonwealth and this Honorable Court.

THE COURT: The Court will now announce its rules. The jurors, the counselors, the witnesses, and the audience, as a rule, are not expected to applaud in a court of justice. That rule will be suspended to-night, so far as the audience is concerned, but it will apply to all the witnesses and to the jurors who are selected to try the case.

The Clerk will now proceed to call the list of jurors.

COURT CLERK: Gentlemen of the jury, as your names are called, you will arise, and answer present.

C. C. A. BALDI	(Present)
MARTIN V. BERGEN	(Present)
RUDOLPH BLANKENBURG	(Present)
WILLIAM FINDLAY BROWN	(Present)
MARTIN G. BRUMBAUGH	(Present)
HENRY BUDD	(Present)
WILLIAM A. CARR	(Present)
J. H. CARSTAIRS	(Present)
F. T. CHANDLER	(Present)
J. CHALMERS DA COSTA	(Absent)

DRAWING THE JURY

THOMAS A. DALY	
JOHN B. DEAVER	
GEORGE W. ELKINS	(Present)
WILLIAM R. ELLISON	(Present)
NATHAN T. FOLWELL	(Present)
JOHN MARSHALL GEST	(Present)
JOHN GRIBBELL	(Present)
JOHN F. HANEKER	(Present)
M. F. HANSON	(Present)
C. C. HARRISON	(Absent)
A. G. HETHERINGTON	(Present)
MORRIS JASTROW, JR.	(Present)
ALBA B. JOHNSON	(Present)
C. F. KAVANAGH	(Present)
GEORGE W. KENDRICK, JR.	(Present)
JAMES W. KING	(Present)
FRANCIS A. LEWIS	(Present)
JOHN LUTHER LONG	(Absent)
JOSEPH B. MCCALL	(Present)
JOHN H. MCFADDEN	(Present)
JOHN B. MCMASTER	(Present)
CHARLES R. MILLER	(Present)
LESLIE W. MILLER	(Present)
THOMAS E. MURPHY	(Present)
WM. R. NICHOLSON	(Present)
J. PARKER NORRIS	(Present)
THOMAS K. OBER	(Present)
ELLIS P. OBERHOLTZER	(Present)
GEORGE W. OCHS	(Present)
SAMUEL W. PENNYPACKER	(Present)
GEORGE WHARTON PEPPER	(Present)
A. S. W. ROSENBACH	(Present)
SAMUEL P. ROTAN	(Present)
THEODORE C. SEARCH	(Present)
EDGAR F. SMITH	(Present)
S. SOLIS-COHEN	(Absent)
WILLIAM H. STAAKE	(Absent)
JOHN THOMSON	(Present)

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WILLIAM T. TILDEN	(Present)
FLOYD W. TOMKINS	(Present)
CHARLEMAGNE TOWER	(Present)
J. WILLIAM WHITE	(Present)

Gentlemen of the jury, have you all answered to your names?

JURORS: We have.

THE COURT: The Court will now proceed to call the list for trial.

Commonwealth *v.* John Jasper. Are you ready?

MR. BELL: Trial for the Commonwealth.

THE COURT: What say counsel for the defence?

MR. SCOTT: The defence is ready.

THE COURT: Officer, produce the prisoner.

(John Jasper is placed in the prisoner's box.)

THE COURT: The Clerk will now proceed to arraign the prisoner.

COURT CLERK: John Jasper, stand up.

John Jasper, hearken unto an indictment, presented by the Grand Inquest of the Commonwealth of Pennsylvania, inquiring for the County of Philadelphia, charging you with the murder of Edwin Drood. How say you,—guilty, or not guilty?

JOHN JASPER: Not guilty.

COURT CLERK: How will you be tried?

JOHN JASPER: By a jury of my peers and by the law of Pennsylvania.

COURT CLERK: And may the law send you a safe deliverance.

John Jasper, you are now set to the Bar of the Court for trial, and these good men whose names you will hear called, will pass between the Commonwealth and you on trial. You have the right to challenge twenty of them peremptorily and as many more as you show cause for challenge.

THE COURT: The Clerk will now proceed to call the jury, in order that twelve jurors may be selected

DRAWING THE JURY

to pass upon the guilt or innocence of the prisoner at the bar. The Clerk will proceed.

COURT CRIER: No. 1, John Bach McMaster.

COURT CLERK: Come forward, please. As the jurors names are called, they will walk forward, and present themselves at the bar of the court.

THE COURT: I should like to suggest that they do this as expeditiously as possible, in order that time may be saved.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: I desire to ask a few questions of the gentleman on his *voir dire*.

THE COURT: Proceed with the examination.

BY MR. BELL:

Q. Do you know anything about this case in which John Jasper is charged, in the Bill of Indictment, with the murder of his nephew, Edwin Droad?

A. Nothing but hearsay.

Q. Has what you have heard made any lasting impression upon your mind as to his guilt or innocence?

A. No lasting impression.

Q. Have you any conscientious scruples against capital punishment?

A. None whatever, when it is deserved.

Q. Then if you were selected as a juror in this case, you could go into the box and hear the evidence, and under the Charge of the Court, render an unbiased verdict?

A. I should try to; yes.

Q. You are a historian, aren't you?

A. Yes.

Q. May I respectfully suggest that should you write a history of the world to-morrow, or the day

TRIAL OF JOHN JASPER

following, that you should record this as one of the great epoch-making events in international peace and justice? I have no doubt that counsel for the defence and his Honor joins in that request.

THE COURT: The request is granted.

(Juror is seated in the jury box.)

COURT CRIER: No. 2, George W. Elkins.

Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: A few questions upon his *voir dire*, sir.

THE COURT: Proceed with the examination.

BY MR. BELL:

Q. Are you of Saxon blood, sir?

A. Either that or Irish.

Q. Don't you know, sir?

A. I have not discovered yet.

MR. BELL: Well, I think I will pass him.

(Juror seated in jury box.)

COURT CRIER: No. 3, James W. King.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: "Could you walk with kings, nor lose the common touch?"

A. I could.

MR. BELL: Take a seat in the box.

(Juror seated in jury box.)

COURT CRIER: No. 4, A. G. Hetherington.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

DRAWING THE JURY

BY MR. BELL:

Q. Did you say your name was Beau Brummel?

A. Yes.

MR. BELL: I fear were I to challenge him, sir, I might bring down his gray hairs in sorrow to the grave. Therefore I shall not.

(Juror takes seat in the jury box.)

COURT CRIER: No. 5, William Findlay Brown.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: I desire to examine the juror upon his *voir dire*.

THE COURT: Proceed with the examination.

BY MR. SCOTT:

Q. You are an assistant district attorney, aren't you?

A. On the first of every month, when pay day comes around; yes.

Q. Your principal work has been the hanging of men, hasn't it?

A. No; I think I am the great American Shoer-Out.*

Q. How long have you been connected with the District Attorney's Office?

A. About seven years.

Q. Do you feel that you could sit in the jury box and actually acquit a man charged with murder?

(Applause and laughter.)

A. I might acquit the defendant, but I certainly could not acquit his counsel.

MR. BELL: I ask that this juror be sworn.

MR. SCOTT: I object to this juror. I do not think he is worthy of being a juror. He has shown not

*Mr. Brown, an assistant district attorney, bears the reputation of being very merciful and very fair.

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only his feeling toward the defendant, but his bias towards counsel for the defendant.

THE COURT: Juror, turn to the Court. Could you go into the jury box, hear the evidence, and decide the case upon its merits, without regard to your professional training (laughter) or your other convictions?

A. Absolutely.

THE COURT: The juror is qualified. Let him have his seat.

(Laughter.)

(Juror takes his seat in the jury box.)

TIPSTAVES: Silence! Silence!

THE COURT: The officers of the Court will please preserve silence.

COURT CRIER: No. 6, Rudolph Blankenburg.

(Applause.)

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. BELL: No challenge. I would not dare do so.

MR. SCOTT: I desire to examine the juror on his *voir dire*.

THE COURT: Proceed with the examination.

BY MR. SCOTT:

Q. You are Mayor, aren't you?

A. I am a servant of the public. Sometimes they are called Mayor.

Q. Would you be influenced in your finding in this case, if it came to your attention that another great Mayor, Mayor Sapsea, of Cloisterham, were called upon the witness stand to testify in behalf of the defence?

A. Would that influence me?

Q. Would that influence your verdict?

A. Nothing influences me except what is right.

(Applause.)

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Q. As a German, do you have such prejudice against an Englishman as to influence your judgment in rendering a verdict against him?

A. I have not, because the Englishman is a descendant of the German.

(Applause.)

Q. Well, Mr. Mayor, notwithstanding the accident of birth (laughter), could you go into the jury box and render an impartial verdict upon the evidence, even if the life of an Englishman were at stake?

A. Most assuredly.

MR. SCOTT: May it please your Honor, I object to this juror. I do not think he is qualified. I do not think he has shown sufficient knowledge of his duties as an American citizen to qualify him to sit in an American jury.

THE COURT: It is true that this juror is of German birth, but he belongs to a race that believes in the supremacy of law, devotion to duty, and loyalty to the cause of good government. The Court knows this juror will do his duty as an American citizen, with pride and affection for the state of his adoption. The objection is overruled.

(Applause.)

Juror takes his seat in the jury box.

COURT CRIER: No. 7, Edgar F. Smith.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: I should like to have it noted upon the record that Fate tried to conceal him by naming him Smith.

(Laughter.)

THE COURT: It is all right for the counsel to make the remark, but it need not be recorded.

(Laughter.)

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The juror will take his seat.

MR. BELL: No; I should like to examine him upon his *voir dire*.

THE COURT: I beg pardon, but counsel must proceed expeditiously.

BY MR. BELL:

Q. You are Provost of the great University of the Commonwealth.

A. I am.

Q. I believe that the sun never sets on the sons of Penn?

(Applause.)

A. That is true.

Q. Did you ever have John Jasper or Edwin Drood enrolled upon the records of the University?

(Laughter.)

A. Never, sir.

Q. Then I apprehend that the love and partiality that you bear for all the sons of Penn would not, of course, obtain in this case?

A. It would not.

Q. And you could render an unbiased verdict?

A. I could, sir.

(Juror takes seat in jury box.)

COURT CRIER: No. 8, George Wharton Pepper.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: May I rise to a question of privilege, sir?

THE COURT: Proceed.

MR. BELL: I feel it my duty in the interest of fair play to say to counsel on the other side that this gentleman is a great, not to say marvelous, baseball lawyer. He recently convinced a judge, a Federal judge, that if a ball player, a Federal ball player,

DRAWING THE JURY

came into court to play the game, he must do it with clean hands. It is a marvel how an ordinary ball player can play the game with clean hands.*

BY MR. BELL:

Q. Do you believe that this defendant could come into court with clean hands?

A. That is a question that I can answer when I have heard the evidence, but not until then.

Q. If he should have clean hands, and a pure heart, of course you would acquit him?

A. Yes.

MR. BELL: His hands are soiled. Take your seat in the box.

MR. SCOTT: I desire to interrogate the juror.

THE COURT: Proceed with the examination.

BY MR. SCOTT:

Q. You being a man trained in baseball playing, have you any thought of running for Governor.†

(Laughter and Applause.)

TIPSTAVES: Silence! Silence! Order in the court.

A. That is not within the circle of my ambition.

MR. SCOTT: The juror is accepted.

BY MR. BELL:

Q. You believe, however, in the doctrine of precedent, don't you?

A. Properly applied, as the Court will apply it.

*At the date of the trial, war was being waged by the newly organized Federal League against "Organized Baseball." The Federal League induced "Reindeer" Killifer, a player of exceptional skill, to break his contract with the Philadelphia Club and to sign a contract with the Federals. When he subsequently changed his mind the Federals undertook to restrain him by injunction from playing with the Philadelphia Club. Mr. Pepper appeared for Killifer and the Philadelphia Club. It was held that the Federals came into court with unclean hands and were not entitled to the relief prayed for. See *Weeghman et al vs. Killifer et al*, 215 Fed. Rep. 289 (1914).

†The then Governor of Pennsylvania, Honorable John K. Tener, had been a baseball player, and is now president of the National Baseball League.

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THE COURT: Counsel will observe the rules. First, counsel for the prosecution may examine; then counsel for the defense, if he thinks proper. Then the examination ceases. Let order be preserved in this examination. The Court desires to say to the juror that nothing developed in the examination of this juror disqualifies him to sit in the case. The Court knows his fidelity to duty, his patience in working out the details in a case, and feels constrained to say that he meets the requirements of the law in every particular.

Juror takes seat in the jury box.

COURT CRIER: No. 9, Samuel W. Pennypacker.

(Applause.)

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: No challenge.

MR. BELL: No challenge, sir.

Juror takes seat in jury box.

COURT CRIER: No. 10, J. Parker Norris.

COURT CLERK: Juror look upon the prisoner; prisoner look upon the juror. How say you, challenge or no challenge?

MR. SCOTT: I desire to examine the juror on his *voir dire*.

THE COURT: Proceed with the examination.

BY MR. SCOTT:

Q. Have you read the account of the charge against the prisoner, Jasper, as recorded by the reporter, Dickens?

A. I have not.

Q. Have you formed any opinion, or expressed any opinion as to the guilt or innocence of John Jasper?

A. None whatever.

DRAWING THE JURY

MR. SCOTT: Satisfied. No challenge.
Juror takes seat in jury box.

COURT CRIER: No. 11, Charlemagne Tower.

COURT CLERK: Juror look upon the prisoner;
prisoner look upon the juror. How say you, chal-
lenge or no challenge?

MR. SCOTT: No challenge.

BY MR. BELL:

Q. Do you know, sir, that there is a "tower" in
this case?

A. No, sir; I do not know it.

Q. Have you ever had any intimate acquaintance
with London Tower?

A. No, sir; not myself.

Q. Do you happen to know, just as a matter of
historic interest, when Marmion shook his gauntlet
at the towers, whether he was indicted for treason
by your family?

A. It was not a near relative of mine.

Q. Do you know anything about this case?

A. No, sir; nothing whatever.

MR. BELL: If the Court please, as this witness
seems to have no acquaintance with London Tower,
and a lack of knowledge generally, I think he would
make a good juror.

THE COURT: The observations of the counsel are
not proper as a test of the qualifications of a juror.
The juror is eminently qualified to sit in this case,
and he will take his place in the box.

MR. BELL: I beg your Honor's pardon for appar-
ently throwing you into a towering rage.

Juror takes seat in jury box.

COURT CRIER: No. 12, J. William White.

COURT CLERK: Juror look upon the prisoner;
prisoner look upon the juror. How say you, chal-
lenge or no challenge?

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MR. SCOTT: I desire to examine the juror upon his *voir dire*.

BY MR. SCOTT:

Q. You are sometimes known as Dr. White, aren't you?

A. I have been called so.

Q. One time you were connected with the University of Pennsylvania?

A. I still am.

Q. And I suppose you are acquainted with the medical staff of the University of Pennsylvania?

A. Very well.

Q. Have you heard any recent discussion there of vivisection, Doctor?*

A. I have heard much discussion of it, some of it from counsel for the defence.

Q. Since the discussion that you heard, have you lost faith in the jury trial?

A. My faith was somewhat weakened, but not destroyed.

MR. SCOTT: No challenge.

MR. BELL: Pardon me, sir. This examination has been very circumscribed. This is an international case.

BY MR. BELL:

Q. I would like to know of you, as a physician, whether you have ever suffered from Anglo-mania?

A. No, sir; and I resent the imputation.

Q. Well, you at least have been inoculated with Anglo-mania?

A. Not that I am aware of.

Q. Why, haven't you rubbed elbows with those fellow members of the Reform Club in London and the Aberdeen University, and worn the red coat

*A University of Pennsylvania professor had but recently been indicted and tried for cruelty to animals—the case growing out of the vivisection of certain animals. Mr. Scott had represented the private prosecution.

SWEARING THE JURY

which is very like the Justice's, and you mean to say you were not inoculated?

A. It is not catching.

Q. Well, you wore this Scotch red coat, didn't you?

A. I did.

MR. BELL: Ah, you did. If the Court please, I hae me doots about this juror, and ye're challenged.

THE COURT: The questions are not a proper test of the qualification of a juror. The challenge is overruled, and the juror will take his seat in the jury box.

(Juror takes seat in jury box.)

COURT CRIER: The jury box is full.

THE COURT: Let the jurors be affirmed.

COURT CLERK: You and each of you do declare that you will well and truly try, and a true deliverance make, between the Commonwealth of Pennsylvania and the prisoner at the Bar, John Jasper, whom you will have in charge, and a true verdict render according to the evidence. And so you and each of you do declare.

THE COURT: The Clerk will proceed to read the indictment.

COURT CLERK: "In the Court of Oyer and Terminer and General Jail Delivery in and for the County of Philadelphia. April Sessions, 1914. County of Philadelphia, ss. The Grand Inquest of the Commonwealth of Pennsylvania, inquiring for the County of Philadelphia, upon their respective oaths and affirmations, do present, that John Jasper, late of the County of Kent, United Kingdom of Great Britain and Ireland, on the 25th day of December, in the year of our Lord one thousand eight hundred and fifty-one, at the County aforesaid, and within the jurisdiction of this Court, with force and arms, etc., in and upon the body of one, Edwin Droad, in the peace of said Kingdom then and there

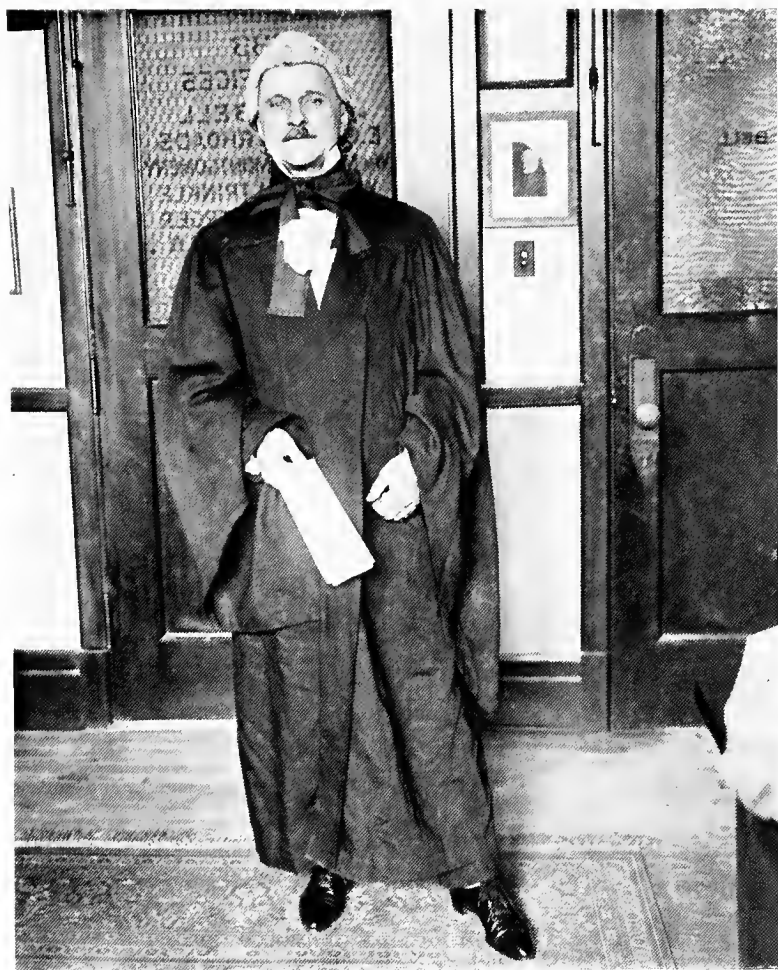
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being, feloniously, wilfully, and of his malice aforethought, did make an assault, and him, the said Edwin Drood, then and there feloniously, wilfully and of his malice aforethought, did kill and murder, contrary to the law and against the peace and dignity of the Commonwealth of Pennsylvania. (Signed) John C. Bell, Attorney General."

To this indictment the prisoner at the Bar, John Jasper, pleads "Not guilty," and for trial hath put himself upon a jury of his peers and the law of Pennsylvania. If you find the prisoner at the Bar, John Jasper, guilty, you will say so. If you find the prisoner at the Bar, John Jasper, not guilty, you will say so, and no more. Good men and true, stand together and hearken unto the evidence.

THE COURT: The Attorney-General for the Commonwealth of Pennsylvania will open for the Commonwealth.

MR. BELL: With submission to your Honor: most potent, brave and reverend seniors; my very noble and approved good jurors: this is an extraordinary trial scene, and as I glance around everything and everybody seems to have gone to the Dickens. (Laughter.) One circumstance moving me to say so is the spectacle witnessed, for the first time in more than a quarter of a century at the bar, of some of the foremost citizens of the Commonwealth doing jury service. (Laughter and applause.) For the moment, I can conjure up no reason except that the prisoner has demanded to be tried by a jury of his peers. (Laughter.) And then, ladies and gentlemen, I take it that your presence indicates that that great sympathetic soul, interest in whose valedictory story has brought us hither to-night, has left a very strong love in the grateful hearts of the English speaking race. (Applause.) With a common lineage, language, literature and law, what more conclusive evidence of that comity that exists



JOHN C. BELL
Counsel for Prosecution

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between the two nations could there be? Certain recent official utterances in Washington about involved foreign complications (pardon the anachronism) to the contrary notwithstanding. It is proven in this *cause célèbre*, in which England, waiving extradition, has indicated her willingness and desire that this notorious personage should be tried in the Commonwealth of Pennsylvania, before a Justice of her Supreme Court, sitting at *nisi prius* here in the Court of Oyer and Terminer of this County. A wild anachronism, to be sure (laughter), but who would judge a judge by his ermine?

John Jasper, therefore, stands before you, charged in this Bill of Indictment with the willful, deliberate and premeditated murder of his nephew, Edwin Drood, and as Attorney-General of the Commonwealth, it has now become my duty to briefly lay before you the story of his crime, with special reference to the place, the prisoner's character, the time, the motive and the incriminating circumstances, in order that you may listen understandingly and intelligently to the evidence as it shall be developed before you, item by item, until it fixes upon the brow of that defendant, even as in that primal murder, Cain's crime, the indelible and immutable stamp of guilt.

And first, then, as to the place. It was in the old town of Cloisterham, in Kent County, the distinguishing feature of which was the Cathedral, with its tower, and its crypt or sub-basement, around the walls of which were myriads of vaults in which the dust of the dead had been interred for centuries. You will probably believe, under the evidence, that it was in one of those ancient tombs that John Jasper concealed the corpse of his murdered nephew.

As for the character of John Jasper, we will prove to you, gentlemen, that it was hypocritical—

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is hypocritical, infamous, murderous. The criminality of Bill Sykes and Carter, and the Le Farges pales into insignificance before it.

He was the organist, the leader of the choir, in the Cathedral, and yet we will prove to you that ever and anon, between the sacred services, he stole off, à la Dr. Jekyll and Mr. Hyde (pardon the anachronism) to a den of iniquity in East London, kept by Princess Puffer, who is here in court to-day, and that he there gave himself up to opiate debauches and gave vent to murderous mutterings and threats against his nephew, Edwin Drood.

To Edwin, he was connected not only with ties of blood, but he was his guardian and trustee; stood to him in *loco parentis* and demonstrably professed for him the most enduring affection. Yet we will prove to you that he murdered him, and that the time was Christmas Eve. 'S blood! Of all days in the year, Christmas Eve! And the motive was fiendish jealousy of his nephew. He entertained a murderous love for one Rosa Bud, a retiring little girl to whom Edwin Drood was betrothed, and who attended a school kept by Miss Twinkleton there in Cloisterham. Jasper gave her music lessons, and taking advantage of these occasions, he made secret, fervent love to her, subjecting her to his Svengalian looks and his hypnotic power until she feared and dreaded him. Now of his love he did not dare to tell a thing to Edwin. That is the motive.

And now as to the incriminating circumstances that substantiate his guilt. And right here let me tell you that the great chief justice of our Supreme Court, Gibson, has declared that circumstantial evidence (and it is with such evidence that we shall prove his crime) is often in the concrete infinitely stronger—"infinitely stronger" are his words—than positive testimony. And given a case like this, where each item of the circumstantial evidence is

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inconsistent with innocence, and leads, step by step, to the conclusion of guilt, that conclusion is unasailable.

Let me hastily call your attention to some of the essential items of this circumstantial evidence as we shall produce it before you.

Now, gentlemen, when an arch fiend like this defendant contemplates a murder, he naturally thinks of some place wherein he can make disposition of the body without discovery. And so we shall prove to you how he maladroitly endeavored to get from one Durdles, a dissolute character, a stonemason, who is here in court to-day, the keys to this crypt or sub-basement, with its myriads of vaults, and how he clandestinely induced this man Durdles to take him down into that crypt at midnight, and there he made Durdles drunk with liquor he had taken for that purpose. Immediately he laid down in a drunken stupor, enabling Jasper to abstract the keys and spend several hours in the exploration of this crypt. And then at two o'clock in the morning, emerging from the crypt, we will prove to you that a boy named Deputy was on the watch, and he flew at him with demoniacal rage, and would have strangled him then and there, had not Durdles, drunk as he was, interfered. And we shall submit to you that that evidence is absolutely inconsistent with innocence.

Now, further, when an arch fiend like Jasper plans a murder, he seeks to cast suspicion upon another, and we will prove to you how he sought to engender suspicion against a young man named Neville Landless, who is here in Court to-day, and who was a pupil of Canon Crisparkle, who was the minor Canon there at the Cathedral. How, taking advantage of a slight quarrel between Neville and Edwin, and under the pretence of acting as a peacemaker, he mulled a cup of wine, and fanned the

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flame of jealousy, after the boys had drunk it, into a white heat, and then forthwith made murderous accusations against Neville.

I have not the time to give you the details of the story now. Neville Landless is here, and the Reverend Crisparkle, and you will hear it from their lips on the witness stand. Suffice to say that a pivotal point of this story was a reconciliation dinner which the good Canon Crisparkle practically forced Jasper to give to these two boys, and he gave it on Christmas Eve. Everything passed off skillfully and safely at the dinner. The boys were reconciled, and after dinner was over they walked down to the river, about twelve o'clock, to see a storm that was brewing there, and they returned, as Neville will tell you, to Canon Crisparkle's house, where Edwin bade Neville good-bye, a friendly good-night, and said he was going straight home to Jasper's house. That was the last time he was seen alive.

The next event was in the morning, eight hours or thereabouts, afterwards, when Jasper burst into a crowd of townspeople who were standing looking at the tower, and, panting, and half dressed, he demanded "Where is my nephew? Where is Neville Landless? He was last seen in his company at midnight. Where is Neville Landless?" And with this murderous accusation, forthwith a hue and cry was raised, and they started after Neville Landless, who had left on a walking trip that morning, in accordance with a plan that had been made theretofore. Well, they overtook him on this walking trip, and Jasper repeated his murderous accusations, with the result that Neville was placed under arrest. The good Canon became his sponsor. They brought him back before Mayor Sapsea, and there was a hearing, and he was detained, and redetained, and finally discharged for lack of evidence.

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Now I have reason to believe that in the development of this case by the cross-examination of the Commonwealth's witnesses, and the examination of the witnesses for the defence, it will be sought to re-engender these vile suspicions against this innocent lad, and it is proper, therefore, that I should say to you that in listening to that evidence you should remember that every item of such suspicious evidence, every prejudicial thing against Neville Landless, was heard before Mayor Sapsea, a monument of stupidity and conceit (laughter), who is also in court, who was absolutely dominated by this wily defendant, and yet Neville Landless was released, and discharged. Now that is a chapter of this accusation in this case that will inevitably rebound and recoil upon this defendant.

Now let me retrace my steps, and bid you take up another thread of the story. On December 23rd, Edwin Drood came up from London to see Rosa. They had been betrothed by their parents, and the betrothal was more or less irksome. For that reason they took a walk along the river, and they stopped under the elm trees near the Cathedral and there they agreed that they would break their betrothal, and that thereafter their relations should be that of brother and sister, and they kissed each other, affectionately, good-bye, under the elm tree. As they did so, mark you, looking up, they saw the defendant peering at them under the trees, and then he clandestinely followed them to the gate.

Now we will submit to you, in the light of the surrounding circumstances which will be developed, that he interpreted that kiss as the seal of their betrothal, and of the promise of the consummation of their marriage in the following May, and in fiendish jealousy that night he betook himself to Princess Puffer's den of iniquity in London. He returned the next day and the Princess Puffer followed him. It

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was twilight. She lost him, and she stopped near the Cathedral. And then, call it Fate, or Destiny, or Providence, or what you will, along came Edwin Drood, and she asked him for a three and sixpence, and he told her his name was Edwin, and she said to him, "Do sweethearts call it Eddie?" And he said, "I have no sweethearts." We will prove to you that Rosa always called him "Eddie," but you recall the engagement was broken the day before. Then she said to him, mark you, gentlemen, "You should be thankful your name ain't Ned." "Why," said he. "Because 'Ned' is a bad name, a threatened name, a dangerous name." "Oh," said he, lightly, "the proverb says that threatened men live long." "Then," said she, "Ned, wherever he may be, so threatened is he, even while I am speaking to you, dearie, he should live to all eternity."

Gentlemen, that language could mean nothing but that the hand of death was upon Ned. And we will prove to you that the only man in all the world who called Edwin Drood "Ned" was Jasper. And that night Ned was murdered! That night Ned was murdered!

Now for another incriminating circumstance, remembering that this circumstantial evidence is infinitely stronger than positive testimony. It was agreed between Edwin and Rosa that she would send for her guardian, Grewgious, and he should come up and tell Jasper, Edwin's guardian, of the broken engagement, and he came up the day after Christmas, or the following day, and he called to see Jasper at his house in the evening, and mark you what happened. He told him of the broken engagement, and this defendant arose from his chair, his face was leaden, it grew ghastly pale, great drops of sweat, as if bubbles of steel, appeared upon it. He shrieked in terror, writhed in agony, swooned and fell, a mass of miry clothes, upon the floor.

PROSECUTION'S TESTIMONY

Gentlemen, we will submit to you that that conduct is absolutely inexplicable on any footing or theory of excuse, and that it stamps upon him indelibly the impress of guilt.

One other item of evidence, and I shall have done with this recital. We will prove to you, finally, that the defendant went to Princess Puffer's house in August last, and there, before he had whiffed the pipe, as well as afterwards, when the drug had loosed his tongue, he unguardedly confessed his guilt. And when we have proven the story, then, gentlemen, it will be up to you to vindicate the law, and to demonstrate that England's faith in the administration of justice in this Commonwealth has not been placed in vain. The times are out of joint. No one could tell what a miscarriage of justice, an international calamity, might lead to—perhaps to intervention or war. (Laughter.) Whereas the true verdict will stand, not only as a triumph of justice, but as a treaty of peace, and therefore I shall ask of you gentlemen, under the evidence, a verdict of murder in the first degree. (Applause.)

THE COURT: The Court desires to announce to counsel that it is now half-past eight o'clock, and the Court will expect counsel on both sides to close their testimony by ten o'clock.

MR. BELL: Right.

Canon Crisparkle, will you take the stand?

MAYOR SAPSEA: I protest against the Canon taking the stand, sir. I am the first citizen of Cloisterham.

MR. BELL: Do you insist upon your prerogative, sir?

MAYOR SAPSEA: I do, most positively.

MR. BELL: All right, Dogberry, take the stand.

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PROSECUTION'S TESTIMONY—SAPSEA

(MAYOR SAPSEA takes the witness stand.)

BY MR. BELL:

Q. What quadruped in the animal kingdom do you and Dogberry typify?

A. Not a jackass, like counsel.

Q. You are the Mayor of Cloisterham?

A. I am doing the people of Cloisterham the honor of being their Mayor.

Q. Did you have a preliminary hearing in which John Jasper and Neville Landless, and the good townspeople were concerned?

A. I held such a hearing, as the Magistrate of the ancient Cathedral City.

Q. Neville Landless was arrested, charged with the murder of Edwin Drood?

A. I believe that he was apprehended on the highway, and brought before me.

Q. Have you any doubt about it, sir?

A. I always have doubts until matters are proven to my complete satisfaction.

Q. Look at that record, and see whether it is yours?

A. You will pardon me, sir?

Q. Do not look at the notations, please.

A. That appears to be the record of the preliminary hearing, as it was held before me.

MR. BELL: I offer this record in evidence.

THE COURT: Are there any objections?

MR. SCOTT: I have no objection.

THE COURT: The record is accepted.

MR. SCOTT: The defence claims its right to recall this witness.

MR. BELL: You can have all you want of him. Enough is as good as a feast.

MAYOR SAPSEA: I trust that you are through your feast.

MR. BELL: I have had enough, sir.

PROSECUTION'S TESTIMONY—CRISPARKLE

(CANON SEPTIMUS CRISPARKLE called to the witness stand.) (Applause.)

BY MR. BELL:

Q. What is your vocation, sir.

A. I am minor Canon of Cloisterham Cathedral.

Q. Do you know John Jasper, and did you know Edwin Drood, and do you know Rosa Bud, Neville Landless, the Mayor of Cloisterham, and the others who are cloistered there?

A. I knew them all. They were all citizens of our cathedral town.

Q. Do you recall the first time that Neville Landless and Edwin Drood met?

A. Yes; they met at my house on the day of the arrival of Neville Landless and his sister at Cloisterham.

Q. They met at a dinner at your house?

A. Yes, I gave them a little reception dinner.

Q. We will assume the dinner is over. What episode, if any, happened afterwards?

A. At the dinner?

Q. No; afterwards, we are accelerating our pace. We are through the dinner.

A. There was an unfortunate episode at the dinner. Rosa Bud was singing, and she became excited, and hysterical, and shrieked out, and stopped singing. She burst into tears.

Q. Who was looking at her with a fixed, hypnotic gaze at the time?

A. John Jasper.

Q. The defendant?

A. Yes.

Q. And what did she say in this nervous attack?

A. "I cannot bear this. I am frightened. Take me away."

Q. Well, well. Now, Mr. Crisparkle, you doubtless heard of a quarrel between Edwin and Neville,

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following this dinner, and that it was renewed at Jasper's house?

A. Yes.

Q. You were not present, however, were you?

A. No.

Q. As a matter of fact, however, did not Neville come to your house immediately afterwards, and tell you about it?

A. Yes.

Q. What did he say?

A. He returned home much distressed and mortified. He said he had begun ill, dreadfully ill; that he had gone to the dinner, that he drank very little, but it affected him in the most sudden and strangest manner, and that Edwin Drood grossly insulted him, and he came home.

Q. What did you do then?

A. I talked with him. I took him to bed, and when I left him he sobbed.

Q. State whether or not Jasper, the defendant, saw you immediately after this quarrel?

A. Yes; he came to my house, and said that Neville Landless had made a murderous attack upon his nephew.

Q. Well, did you make any effort to bring about a reconciliation between the two boys?

A. I talked with my pupil, Neville Landless, and he promised me upon his word of honor as a gentleman, that he would forgive and forget.

Q. Then what did you do?

A. I then went to John Jasper, and asked his aid in bringing about a reconciliation. At first he seemed perplexed, as if indulging in a close internal calculation. But later he consented, and arranged for a dinner for Neville Landless, his nephew, Edwin Drood, and himself, on Christmas Eve.

Q. And that was to take place when, on Christmas Eve?

PROSECUTION'S TESTIMONY—CRISPARKLE

A. On Christmas Eve, Mr. Attorney-General.

Q. Did Neville go to the dinner?

A. Yes; he left my home to go to the dinner.

Q. And where did he go the next morning?

A. He started early on a walking trip that he had previously planned.

Q. Now what happened the next morning, Christmas morning?

A. Christmas morning I was standing at my window, watching a cluster of townspeople who were looking up at the tower that had been damaged by a violent storm the night before, when suddenly John Jasper rushed into the crowd, white, half-dressed, and panting, and said, "Where is my nephew?" And I said to him "Where is your nephew? Is he not with you?" he said "No; he left last night to go down to the river with Neville Landless, and has not been back. Where is Neville?" I then said that Neville had left on this walking trip in the morning, and he said "Left for a walking trip? Let me in; let me in."

Q. What happened after this murderous insinuation?

A. A hue and cry was raised, and he started after Neville.

Q. Well, did you overtake him?

A. About eight miles out of Cloisterham.

Q. And Jasper went with you?

A. Jasper went with us.

Q. And when you overtook him, what did Jasper say?

A. Jasper said to him, "Where is my nephew?" Neville Landless replied, "Where is your nephew? Why do you ask me?" He said, "I ask you because you were the last one in his company, and he is not to be found." "Not to be found?" said Neville, aghast. I then interposed, and asked the boy to collect his thoughts, and I asked him when he had

TRIAL OF JOHN JASPER

left Edwin Drood. He said they had gone down to the river at midnight, on the night before, to look at the ravages of the storm, and that they had returned in about ten minutes, and that he had left Edwin Drood at my door, and he said that he was going straight home, to John Jasper.

Q. That was about ten minutes after twelve, the night before?

A. Ten minutes past twelve.

Q. Well, now, Neville was taken into custody, was he?

A. He was taken into custody. The hearing was before Mayor Sapsea, and I became sponsor for Neville Landless.

Q. Ah! What, if anything, was said about searching the river there at the hearing?

A. Mr. Jasper said that he understood that Mayor Sapsea suggested that the river be dragged, and its banks rigidly searched.

Q. Had Mayor Sapsea made any such suggestion?

A. No. He put those words in his mouth.

Q. And what happened after this? Was the river searched?

A. The river was searched for two or three days, and on the morning of the 28th of December I found a watch and shirt pin at Cloisterham Weir, two miles above the cathedral.

Q. What then happened?

A. I then took Neville Landless, and the jewelry, and took him immediately to Mayor Sapsea.

Q. And who identified those articles?

A. John Jasper identified them as the property of his nephew, Edwin Drood.

Q. And what was done after this, so far as Neville was concerned?

A. Neville was detained, and redetained, and later discharged for lack of evidence.



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as
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PROSECUTION—CROSS-EXAMINATION

Q. What, if anything did Jasper say to you after you found the watch and stick pin?

A. One morning while he was unrobing in the Cathedral, he took his diary from his pocket, and turned the leaves, and handed it to me, in an impressive manner, pointing to a certain paragraph.

Q. And what, in substance, was in that paragraph?

A. It was something like this: My dear boy is murdered. The discovery of his watch and shirt pin convinces me that he was murdered on that night, and that his jewelry was removed from him to prevent his identification by its means. All the delusive hopes I had founded on his separation from his betrothed wife, I give to the winds. They perish before this fatal discovery.

THE COURT: I must remind counsel that it will be necessary to shorten the examination. Proceed.

CROSS-EXAMINED.

BY MR. SCOTT:

Q. On the first day of Neville Landless's arrival at your house, you informed him of the engagement between Rosa Bud and Edwin Drood, didn't you?

A. I did, sir.

Q. He seemed to show a resentment as to this, and spoke of Edwin's apparent air of proprietorship over Rosa Bud, didn't he?

A. He did; sir.

Q. You were at your house when Neville Landless returned, after the quarrel at Jasper's gate-house, weren't you?

A. I was.

Q. And you have told, in your examination in chief, his conversation. Didn't he say to you that he would have cut down Edwin Drood had he not been restrained by this defendant, John Jasper?

A. Yes; he was very angry.

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Q. And didn't he say that with such force that he clenched his fist and showed his anger towards the young man Drood?

A. That is true.

Q. Now, Minor Canon, some days after this you met Neville Landless, and his sister, Helena, along the banks of the river, didn't you?

A. I did, sir.

Q. And then you talked to young Landless about his conduct towards Edwin Drood?

A. I did, sir.

Q. You told him that he was in the wrong; that he was the assailant of Edwin, and it was his duty to apologize to Edwin, didn't you?

A. I did, sir.

Q. And after that interview, didn't this young fellow, Landless, tell you that he was in love with Rosa Bud?

A. He did.

Q. Didn't he tell you that Edwin Drood was unfit to be betrothed to her?

A. In his opinion.

Q. And didn't he say that she was being sacrificed in being betrothed to him?

A. He did.

Q. He told you in his conversation that he was of tigerish blood, didn't he?

A. Yes.

Q. And he showed to you that he was of great temper, didn't he?

A. Yes; at times.

Q. In fact, Mr. Crisparkle, at your first conversation with this young man he told you that had his stepfather not died in Ceylon, that he would have murdered him, didn't he?

A. Yes, he made that rash statement.

Q. Do you remember when young Landless left

PROSECUTION—CROSS-EXAMINATION

your house to go over on Christmas Eve to John Jasper's home, to meet Edwin Drood?

A. I recall the occasion.

Q. Do you remember that he was armed with a heavy walking stick of ironwood?

A. He took the stick he had purchased to carry the next day.

Q. You never again saw Landless until he was apprehended by the citizens, and charged with the disappearance of Edwin Drood, did you?

A. No, sir.

Q. You told us that young Landless stated that he had been to the river with Drood the night before, and that he had returned with him to your house. Didn't you suggest that language to him in these words, "Neville, collect yourself." Did you not say this to him, "You left Mr. Jasper's last night, with Edwin?"

A. Yes, I did. Jasper had told me they left together.

Q. And didn't you suggest to Neville also this: "You went down to the river together?"

A. I did.

Q. So that it was you who told it, and not Neville Landless?

A. It was.

MR. SCOTT: That is all.

THE COURT: Call the next witness.

MR. BELL: One moment, if the Court please.

BY MR. BELL:

Q. I want to call your attention to that walk along the river with Neville and his sister. Didn't he finally agree upon his word of Honor as a gentleman that he would meet Edwin half way, and become reconciled?

A. Yes; his better self asserted itself.

Q. And wasn't it as a result of that solemn pledge

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to you that Jasper brought about this reconciliation meeting?

A. Yes.

Q. What kind of a disposition had this young man?

A. He was a lad who had been born in Ceylon, with rash temper, quick to anger, but at heart he was as gentle and affectionate as a child.

MR. SCOTT: I object to that answer. There is nothing in the record of this case to show that Neville Landless was as gentle as a child, and I therefore object to that answer, and ask that it be stricken out.

THE COURT: Nothing can be testified to in this except the facts reported in the book. My recollection is that no such fact is recorded in the book, and therefore the question and answer may be stricken out.

BY MR. BELL:

Q. Well, he showed the spirit of contrition and sobbed like a child when you took him to bed, didn't he?

A. He did, after I had talked with him.

Q. Now tell the court and jury what your opinion is as observing all that took place there in Cloisterham, about the guilt or innocence of this young man, Neville?

MR. SCOTT: This is objected to as not being re-direct examination.

MR. BELL: It is brought out as answering his cross-examination. I am asking him that which is in the record.

THE COURT: The witness can testify to that which the record contains.

A. I told the dean that I believed in the perfect innocence of Neville Landless.

MR. BELL: That is all.

MR. SCOTT: No further questions.

(Applause.)

PROSECUTION'S TESTIMONY—LANDLESS

MR. BELL: Neville Landless.

(NEVILLE LANDLESS takes the witness stand.)

BY MR. BELL:

Q. You are the pupil of Canon Crisparkle?

A. I am.

Q. You are the Neville Landless to whom he referred in his testimony a few minutes ago?

A. I am.

Q. You have heard that testimony, in so far as it refers to you. In the interest of expedition, is what he said true and correct?

A. It is. I can tell you about my quarrel with Edwin Drood, if you wish to hear it.

Q. You tell briefly just what your quarrel was with Edwin Drood, and more particularly whatever the defendant, Jasper, did, in fomenting that quarrel.

A. Edwin Drood and I had taken the young ladies home to the school that they were attending in the Nuns' House, and we came back, and on our way back I made an innocent reference to Edwin Drood's betrothal. He resented that, and told me to mind my own business.

Q. Then you had a quarrel?

A. I became angry.

Q. And Jasper came up in the interest of peace, and he asked you to go to his house, and he would brew a cup of peace, a spirit cup?

A. He did.

Q. And you went there?

A. We did.

Q. What happened? Did he act as peacemaker, or was the quarrel renewed?

A. The quarrel was renewed. Shortly after we got there the first thing that happened was that this Mr. Jasper threw the light on a portrait that there was there of Rosa Bud, and she had been the cause of our quarrel, and that caused irritation. And then

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in a complacent sort of way he spoke to Edwin Drood of the happiness that was coming to him through his marriage, and how Edwin was fortunate. And that added to the irritation.

Q. And then he brewed a cup and gave you a goblet of wine each, didn't he?

A. He brewed a cup of mulled wine, and he gave us a goblet—a goblet to Edwin Drood, and a goblet to me. And when he brewed it there was much mixing, and much compounding, over by the fire-place, and the wine had a strange and unusual effect upon me. It went to my head; my face became suffused. And upon Edwin Drood it had the same effect. It went to his head, and his face became suffused. Then my voice became thick, indistinct, and his voice became thick and indistinct, and there were some more words, and he said I was not fit to associate with white people. I took the glass of wine I had, and threw the dregs in his face.

Q. What I want to know is whether this peace-maker who asked you there in the interest of peace, interposed in any way, by word or suggestion, to stop this game of crimination, and recrimination until you actually raised your glass to throw it at him?

A. No; it was he who kept the conversation on the tender subject, and never interfered until I threw the wine in his face.

Q. Then you went home and told Canon Crisparkle that you had behaved ill; you went home and sobbed?

A. Yes.

Q. In this walk along the river, didn't you give your word of honor as a Christian gentleman that you would meet Edwin Drood half way, and become reconciled with him, as a result of which this reconciliation dinner took place that Canon Crisparkle told about?

PROSECUTION—CROSS-EXAMINATION

A. I did, and I gave him my word of honor, and my most solemn promise as a Christian gentleman that the quarrel would be at an end when Edwin would meet me half way, and he did meet me half way, and generously and nobly. We agreed together to let bygones be bygones, in behalf of both of us, and everything was peaceable at the dinner, as Jasper himself, who was present, will have to admit.

Q. So that everything went off smoothly and pleasantly at this reconciliation dinner, and after it was over, about twelve o'clock, you and Edwin walked down to the river to see the storm?

A. Yes.

Q. And then you came back to Canon Crisparkle's house, and you bade him a friendly good-night, about ten minutes after twelve?

A. I bade him good-night about ten minutes past twelve; yes.

Q. I want you to say to this court and jury whether you are guilty or innocent of this crime?

A. Absolutely innocent.

CROSS-EXAMINED.

By MR. SCOTT:

Q. Didn't you tell Mr. Crisparkle, when you returned back from your quarrel with Edwin Drood, that you were so angry at Edwin that you would have cut him down had you not been stopped by Jasper?

A. Yes. He said I was not fit to associate with white men.

Q. This conversation that you had with Crisparkle along the banks of the river, when you were talking with him as a Christian gentleman, and giving him your promise as a Christian gentleman, isn't this some of the language that you, as a Christian gentleman, used? Speaking of Edwin Drood—"husband or no husband, that fellow is incapable

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of the feeling with which I am inspired towards Rosa Bud.”

A. I did.

Q. And didn't you use this language also: "He is incapable of such feeling, and unworthy of her."

A. I did.

Q. And didn't you, as a Christian gentleman, further say, "I love her, and I despise and hate him?"

A. I did.

BY MR. BELL:

Q. And after that you had your reconciliation dinner, and parted friends?

A. When he said he would meet me half way, I met him.

MR. SCOTT: I object—

THE COURT: Call another witness.

MR. BELL: Come along, Rosa.

(ROSA BUD takes the witness stand.)

BY MR. BELL:

Q. What is your name?

A. Rosa Bud.

Q. How old are you?

A. Nineteen.

Q. Will you try to keep your voice up so the court and jury and assembled multitude will hear?

A. I will try.

Q. You are a pupil at Miss Twinkleton's school at Cloisterham?

A. I was.

Q. Did you know Edwin Drood?

A. Yes; I have known him since we were children.

Q. You and he were betrothed, weren't you?

A. Yes; by our parents.

Q. Will you please state by what nickname you called him?

PROSECUTION'S TESTIMONY—ROSA BUD

A. I always called him "Eddie."

Q. Do you know John Jasper, the defendant here?

A. Yes. He was my music master.

Q. Miss Bud, did he ever indicate any love or infatuation for you, and if so, in what manner?

A. When I sang, he never moved his eyes from my lips. When I played, he never moved his eyes from my hands. When he corrected me, or struck a note or chord, or played a passage, he himself was in the sounds, whispering that he pursued me as a lover, and commanding me to keep his secret.

Q. Did you ever tell this to Edwin Drood?

A. No; I never told anyone except Helen Landless, and Mr. Grewgious.

Q. He was your guardian?

A. My dear guardian.

Q. Pardon me, Miss Bud, but did you ever love this defendant?

A. No; he terrified me. He haunted my thoughts like a dreadful ghost. I felt that I was never safe from him. I felt he could pass in through the wall when he was spoken of.

Q. Don't be alarmed. Don't be alarmed. No one will hurt you. Go on, please. Go on, Rosa, please.

A. He made a slave of me with his looks. He forced me to understand him without uttering a word. He forced me to keep silence without his uttering a threat. I avoided his eyes, but he obliged me to see them without looking at them.

Q. Did he ever exercise this Svengali-like influence over you in public?

A. Yes. Once, after dinner, when we had been dining at Mr. Crisparkle's.

Q. That was the instance that Canon Crisparkle referred to on the stand, and what he said was correct, was it?

A. It was.

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Q. He looked at you with this fixed hypnotic gaze, did he?

A. He did.

Q. Do you recall the last time you saw Eddie alive?

A. I do.

Q. Will you relate to the jury the time, and the circumstances, just how it happened.

A. Eddie came down from London, on December 23d, 1851. We took a walk together that afternoon. We agreed to break our betrothal, and to change our relations to brother and sister from then.

Q. Where did you come to this agreement?

A. Under the elm tree in the Cathedral Close, on the afternoon of December 23d, 1851.

Q. And then you tenderly and affectionately kissed each other good-bye, did you not?

A. We did.

Q. And what, if anything, did Edwin say to you just at that moment, as you were making this affectionate farewell?

A. He cautioned me: "Rosa, don't look around. Did you see Jack?" I said "No; where?" He said "Under the trees. He saw us take leave of each other."

Q. And what then happened?

A. I hurried Eddie on until we passed out of the gatehouse into the street, and then I asked "Is he behind? You can look without seeming to. Has he followed us?" He answered, "No—yes, he has." Before I went into the Nuns' House I gave Eddie a wide-wondering look, as much as to say "Don't you understand?"

Q. This Nuns' House was Miss Twinkleton's school?

A. Yes. That was the last time I saw Eddie.

Q. The last time you ever saw him alive, eh?

PROSECUTION'S TESTIMONY—ROSA BUD

Well, when was the next time you saw this defendant here?

A. At the hearing before Mayor Sapsea.

Q. And when was the next time you saw him, and the last time?

A. Late in the afternoon of June 29th, 1852. He called on me at the Nuns' House. I received him in the garden, because I was afraid to be with him in the house. Miss Twinkleton was at a picnic, and the girls had all gone to their homes.

Q. Did he state why he called to see you?

A. He said he wanted to know when I would take up my music lessons again, and I told him I was resolved to leave off.

Q. What, if anything else, did he say to you on this visit?

A. He told me over and over again that—that he loved me madly, that he had loved me all the time Eddie was alive, that he had worshipped in torment for years my picture that Eddie had sketched and given him; that he loved me during the distasteful work of the day, and through the wakeful misery of the night.

Q. And what else did he say, Rosa?

A. He asked me whether he had not kept his secret loyally while Eddie was alive, and I answered him, with indignation, "You were false, sir, as you are now. You were false to him hourly and daily. You have made my life unhappy by your pursuit of me. I was afraid to open Eddie's generous eyes. I was afraid to tell the truth about you to Eddie," and I told him, "You are a bad, bad, bad man."

Q. And what did he insinuate about Neville Landless to you?

A. Well, he insinuated that Neville was in love with me, and he said "Judge for yourself whether any other admirer of yours shall love you and live,

TRIAL OF JOHN JASPER

whose life is in my hands. Young Landless stands in deadly peril."

Q. And he referred to the gallows, even as respects an innocent man, didn't he?

A. He said "Circumstances may so accumulate, even against an innocent man, that, sharpened, directed, and pointed, they may convict him."

Q. And he was talking about Neville Landless at that time, wasn't he, and his affection for you?

A. Yes, he was.

Q. What did he say about his love for his nephew?

A. He said that his love for me was so mad, that had the love he bore his dear lost boy been one silken thread less strong, he would have swept even him from my path when I favored him.

Q. Did he command you to keep this a secret, and that he would pursue you to the death, and nothing should ever come between you?

A. Yes, he did. He said I must not tell a word of it to anyone, that if I did, it would bring down a blow as certainly as night followed day.

Q. This conversation was in the rose garden where the sun dial was, in front of the Nuns' House, wasn't it?

A. It was, sir.

Q. And then you were so frightened, that in your terror you fled to your guardian, Grewgious, in London, didn't you?

A. Yes.

Q. One last question, Miss Bud. Whom did you suspect as being responsible for Edwin's murder.

THE COURT: Is that question objected to?

MR. SCOTT: We object to the question.

MR. BELL: It is in the record. I stand upon the record.

PROSECUTION—CROSS-EXAMINATION

THE COURT: The court will not permit the question until the record is produced. It can be admitted later.

MR. BELL: Now is the accepted time.

THE COURT: No argument now.

MR. SCOTT: We must admit that this suspicion is in the record.

THE COURT: The court has ruled, and that is the end of the matter.

MR. BELL: Do you admit that it is part of the record that she suspected this defendant?

MR. SCOTT: Ask the judge.

CROSS-EXAMINED.

BY MR. SCOTT:

Q. Did Mr. Jasper, at any time before the disappearance of Mr. Drood, express to you any words of love?

A. He did not.

Q. The first time that Mr. Jasper expressed his love for you was some six months after Drood's disappearance, and after his engagement with you had been broken?

A. Actions speak louder than words.

Q. I ask, may it please your Honor, that the question and answer be stricken out. Answer the question as it is in the book.

MR. BELL: Answer it as it is in the book, but not as counsel says. He is not running this trial.

(Question repeated by stenographer as follows: "The first time that Mr. Jasper expressed his love for you was some six months after Drood's disappearance, and after his engagement with you had been broken?")

Q. Answer the question yes, or no.

MR. BELL: With an explanation.

THE COURT: The witness will answer the question yes or no.

TRIAL OF JOHN JASPER

MR. BELL: Then may she give the explanation according to the record?

MR. SCOTT: Answer the question yes or no. Did he ever express his love to you in words until six months after you had broken the engagement with Edwin Drood?

A. He did not.

MR. BELL: I now ask the witness whether or not she did not suspect this defendant of the murder.

THE COURT: The Court has examined the record, and finds it is proper for the witness to answer.

BY MR. BELL:

Q. Whom did you suspect of this crime?

A. I suspected Mr. Jasper had made away with him.

BY MR. SCOTT:

Q. You are rather a nervous young lady, aren't you?

MR. BELL: She is not used to this.

A. If anybody makes me nervous.

(DURDLES takes the witness stand.)

THE COURT: Let the witness be affirmed.

COURT CLERK: Put your hand on the book.

You do declare that you will true answers make to such questions as will be put to you touching the matter now before the court, and so you do declare.

(Witness nods affirmatively.)

BY MR. BELL:

Q. What is your name?

A. Durdles, sir.

Q. What is your first name?

A. Well, sir, it is so long since I heard it, I hardly know what it is, sir.

Q. Well, without giving your first name, then, will you tell me whether you know this man Jasper?

A. Yes, we have had a drink or two together; we have, sir.

PROSECUTION'S TESTIMONY—DURDLES

Q. Where did you have that drink?

A. At Mayor Sapsea's, sir.

Q. And the Mayor, I suppose, took a little one too?

A. Yes—not a little one, sir; not a little one.

Q. What did this man here, Jasper, interest himself in when you were there at Sapsea's?

A. Well, sir, Mr. Jasper, the prisoner there, wanted to get the crypt keys which I carried in my bag, in my jacket, sir.

Q. He did?

A. Yes; and the key to Mrs. Sapsea's or Mr. Sapsea's vault, which I had in my bundle, sir.

Q. Ah, yes! Well, now he tried that while you were at Mayor Sapsea's?

A. Yes.

Q. And then you left and went home, didn't you?

A. Well, I left, sir. But I didn't go right home, sir. I had to go out and have another drink.

Q. And then you stopped and looked through that resting place of the ghosts, called the cemetery, didn't you?

A. Well, sir, I felt a bit weary, and I leaned up against the iron fence of the burial ground, sir.

Q. And who came along about that time?

A. And Mr. Jasper came along, and he wanted to go home with me, and wanted me to let him carry the bundle, sir.

Q. He was chivalric enough to want to take you home, was he?

A. Yes.

Q. Were you able to go home alone? You had gone, once or twice, I suppose, full and otherwise?

A. Mostly otherwise, sir.

Q. Well, he was interested in carrying your bundle, wasn't he? This chivalric Jasper!

A. Yes.

TRIAL OF JOHN JASPER

Q. Did you let him carry it?

A. Yes.

Q. And what did he ask you about the crypt on the way home, when he was so generously carrying your bundle containing the keys?

A. He asked me, sir, if there was anything new in the crypt, and I said "Do you mean anything old, sir?" I says, "It ain't a spot for novelty, Mr. Jasper."

Q. He asked you if you would not take him down there some night about midnight, didn't he?

A. Yes.

Q. Some moonlight expedition down there in the sub-basement?

A. Yes. He said that Mayor Sapsea suggested that he write a book, and he wanted to go up in the tower, and—

Q. This was another occasion in which he insinuated that Mayor Sapsea was responsible for his suggestions?

A. Well, he said Mr. Sapsea said so.

Q. Did you go down in the crypt with him?

A. Yes; some nights afterwards.

Q. And what did you take with you—what did he take with him?

A. We went down in the crypt. I opened the narrow door, and we went down, and we went up the stairs into the tower, and on the way up there Mr. Jasper gave me a bottle, sir, and I gave him the bundle.

Q. And what was in the bottle?

A. Something good, sir; something good.

Q. Well, you took a swig or two, did you?

A. Yes.

Q. How many?

A. Oh, I could not count them, sir; I could not.

PROSECUTION'S TESTIMONY—DURDLES

Q. Well, you emptied the bottle, didn't you? It was a wicker bottle, was it not?

A. Yes.

Q. He did not take any?

A. No; he said it was extra good, extra strong.

Q. He brought it for your special purpose, eh?

A. Yes.

Q. After you emptied the bottle, what happened?

A. When we came down into the crypt again I felt kind of weary, and I wanted to take forty winks, and then, sir, I passed away. (Laughter).

Q. You laid down by one of the pillars there, and dreamed—you dreamed you dwelt in marble halls?

A. Well, I dreamed, but I cannot exactly say it was about marble halls.

Q. What was it about?

A. I dreamed that somebody had hold of me, and I felt kind of disturbed, and I felt something fall on the floor, and something groping about, and then I got awake, and I found one of my keys lying on the crypt floor, sir.

Q. And how long had you been in this beautiful dream, that you said was forty winks long?

A. Two o'clock was striking—two o'clock in the morning, sir.

Q. And where was Jasper when you awakened?

A. I don't know, sir—oh, he was walking up and down, and I asked him why he didn't awaken me, and he said he did try to awaken me.

Q. Well, now, after you started for home at two o'clock in the morning, where did you and Jasper go?

A. We came out of the crypt, sir, and when we got on the outside, we bumped into Deputy, sir.

Q. That is, this boy they called Deputy?

A. Yes.

Q. Then what did Mr. Jasper say?

A. Well, when we bumped into him Mr. Jasper

TRIAL OF JOHN JASPER

says, "What, has that boy devil been watching there?" Then he grew violent—furious, sir. Then he looked like the very old Devil himself, sir.

Q. Go ahead, sir.

A. He said "Why, I shall shed the blood out of that impish wretch—that is what I will do." I said, "Don't—don't hurt the boy, Mr. Jasper. Recollect yourself." And that was all there was.

Q. He was about to strangle him in his demoniacal rage, was he?

A. Yes. Then sir, I went home to get a drink.

Q. And the little boy had done nothing except stay there and watch, sir?

A. That was all, sir.

CROSS-EXAMINED.

BY MR. SCOTT:

Q. When Jasper got your keys at Sapsea's house, you just gave them to him that he might weigh the keys in his hand, is that not so?

A. Yes.

Q. And he gave you your keys back?

A. Yes.

Q. And you put them, one in your blouse, and one in your bundle, and went your way?

A. Yes.

Q. And it was later in the evening when you were leaning against the iron fence, or railing, that Jasper came up?

A. Yes.

Q. You were pretty drunk?

A. Some, sir.

Q. And Jasper offered to take you home?

A. Yes; he wanted to go home with me.

Q. And wasn't the reason for him having your bundle, that you handed it to him,—that you put it on the ledge, so that you might take your hammer, and show him how you tapped for the "old un."

PROSECUTION—CROSS-EXAMINATION

A. Yes; he asked me for the bundle. He asked me twice for the bundle, and I gave it to him.

MR. BELL: He seemed very much interested in that bundle.

BY MR. SCOTT:

Q. And you went on home and carried the bundle (that is, the one under your arm), with you?

(Laughter.)

A. Yes.

Q. Now then, it was some considerable time after that, that you and Jasper went to the tower?

A. Yes.

Q. Now it is not an unusual thing for your visitors to bring you a bottle of liquor, is it?

A. No, sir.

Q. In fact you have already said that strangers who bring liquor for two are once welcome, and who bring liquor for twice two are twice welcome?

A. Yes; that is right; that is right, sir.

Q. When you went to the tower, of course you took this wicker bottle of rum—you, yourself, didn't you?

A. No, sir; Mr. Jasper took it.

Q. Didn't Jasper give it to you?

A. Oh, yes, sir; yes, sir.

Q. And then he carried your bundle?

A. Yes.

Q. And as you went into your drunken sleep, down in the crypt, your bundle was in your possession, was it not?

A. No, sir; Mr. Jasper carried the bundle.

Q. When you awoke from your sleep, was the key that was lying alongside of you the tomb key or the crypt key?

A. The crypt key.

Q. It was not the Sapsea tomb key, was it?

A. No, sir.

TRIAL OF JOHN JASPER

Q. You went home then, from your sleep?

A. Yes.

Q. Now having a dream there in the crypt, on that occasion, was not the first time you had a dream?

A. No, sir.

Q. Christmas Eve before, you had a drunken dream that you heard the ghost of a shriek, and the ghost of the howl of a dog, didn't you?

A. So they said, sir.

Q. Well, you, yourself, said it, didn't you? You told that to Jasper, didn't you?

A. Yes.

(Applause.)

(PRINCESS PUFFER takes the witness stand.)

THE WITNESS: Oh, my lungs, my lungs is weak. My lungs is weak. Oh, my poor head.

BY MR. BELL:

Q. What is your name?

A. Why, dearie, they calls me "Her Royal Highness, the Princess Puffer." Oh my poor lungs is weak; oh, my lungs is wore away to cabbage nets.

Q. Where do you live, Princess?

A. Live? In London, near the dock, dearie. But business is slack, is slack. Oh, dear me.

Q. What is your business?

A. I'll be honest with you, first and last. Its opium, and its a human creature, that you can always hear what can be said against it, but seldom what can be said in its praise. Oh, my lungs is weak, my lungs is bad.

Q. Well, now, quiet yourself, dearie.

(Laughter.) Do you know the prisoner?

A. Know him? Better than all the reverend parsons put together know him. Ah, I have mixed



MISS DE MERCIER
as
Rosa Bud

MRS. LIPPINCOTT
as
Princess Puffier

PROSECUTION'S—PRINCESS PUFFER

many a smoke for you, first and last, haven't I, Chuckey? Ah, ha! ha!

Q. Where did you meet the prisoner?

A. In my place, in London, dearie, where I mixes my opium. I have got the real recipe for mixing the pipe, haven't I, dearie? Ah!

Q. Princess, when did you see him last?

A. I saw him last singing and chanting in the cathedral in Cloisterham, in August, 1852.

Q. What were you doing in Cloisterham?

A. I went to find him. I could not miss him twice.

Q. What do you mean by "twice"?

A. I had followed him once before, dearie. Yes, it was while waiting for him that a young gentleman gave me the three and sixpence.

Q. What was the young gentleman? Who was he?

A. His name was Edwin, dearie.

Q. How do you know the young man's name was Edwin?

A. I asked him and he told it me. I only asked him two questions: What was his Christian name, and if he had a sweetheart. He said "Edwin," and he hadn't.

Q. Now you tell of your meeting with this young man, with Edwin.

A. Well, dearie, I was sitting by the Cathedral gate in Cloisterham on Christmas Eve, when a young man bent over me, kindly like, and said "Are you ill?" "No, dearie," says I, "Oh, but my lungs is weak. Oh, dearie," says I, "Give me three and sixpence, and I will go back to London and trouble no one," says I. "But I am in business and it is slack, it is slack." He looked closely at me, and he said "Do you eat opium?" "Smoke it," says I. "Ah, but give me the three and six, dearie, and I will tell you something." Well, he counts out the

TRIAL OF JOHN JASPER

money in my hand, and then I says "Hark 'ee, young gentleman, what is your Christian name?" "Edwin," he said. "Edwin, Edwin—is the short of that name 'Eddie' " says I. "Oh, it is sometimes so called," says he. "Don't sweethearts call it so?" says I. "How should I know," says he. "Haven't you a sweetheart, upon your soul?" says I. "None," says he. "But tell me—there is something you were going to tell me." "Well, then, whisper: you be thankful that your name ain't Ned." "Why," says he. "Because it is a bad name to have just now," says I, "a dangerous name, a threatened name." "Ah, the proverb says," he says, "that the threatened man lives long." "Then, Ned," says I, "so threatened is he, wherever he may be, while I am talking to you now, he should live to all eternity." Oh, my lungs.

Q. And what did you do then, Princess?

A. Oh, dearie, I said, "Bless you, and thank you for the three and sixpence." I went and spent the night at the traveler's lodging house. Oh, my poor head.

Q. Well, now, steady yourself, Princess, and tell me when you next saw Jasper?

A. The following August, in my place in London, where I mixed the opium.

Q. And did he have a talk with you?

A. He did, dearie.

Q. And what did he say?

A. Well, he threw himself upon the bed, and he told me to get it ready.

Q. You mean the opium pipe?

A. Yes, the opium pipe, dearie.

Q. And so you mixed it, did you?

A. I mixed it, and while I was getting it ready, he talked to me, and he talked a lot before he got under the influence, dearie.

PROSECUTION—CROSS-EXAMINATION

Q. He did? And what did he say?

A. He says "Suppose you had something in your mind, something you were going to do, should you do it in your fancy while you were lying here doing this?" And I said "Over and over again, dearie." "Just like me," says he. "I did it over and over again. I have done it hundreds and thousands of times in this very room." "Ah, it is to be hoped it was pleasant to do, dearie," says I. "It was pleasant to do," says he. "It was a journey, a difficult and dangerous journey, a perilous and hazardous journey, over abysses where a slip would mean destruction." "Is that the journey you have been away upon," says I. "That is the journey," says he, glaring at me, and then he raised to his feet, and says, "Time and place are both at hand," says he. "And a fellow traveler too, dearie," says I. "How could the time and place be both at hand unless the fellow traveler was? Hark," says he, "the journey's made. It is over. Oh, I have done it so many times, here in this room, through such vast expanses of time that when it was really done it seemed not worth the doing, it was done so soon." "So soon," says I, "Dearie?" "Yes, that's what I said to you. It has been too short and easy; no struggle, no consciousness of peril, no entreaty," and with that he falls back upon the bed. Oh, my lungs.

Q. Thank you, Princess, thank you.

A. Oh, you are welcome.

MR. BELL: Cross-examine. Not crossly examine.

CROSS-EXAMINED.

BY MR. SCOTT:

Q. How long have you been an opium fiend?

A. It was long—a good many years. I cannot remember how long.

Q. And before you became an opium fiend you

TRIAL OF JOHN JASPER

were Heavens-hard drunk for sixteen years, weren't you?

A. Yes, I was, but I took to opium because it didn't do me so much harm.

Q. Those who frequent your den are usually Chinamen, Knifers, and Lascars, aren't they?

A. Yes, I live along the docks, and so I get them.

Q. You are a beggar, aren't you?

A. I sometimes ask for a penny here and there.

Q. Now in reference to these mutterings of this defendant when he was in your opium den, before he said a word to you about a journey, he had started to smoke his opium pipe, hadn't he?

A. Oh, he had taken just a few whiffs.

Q. And you filled his second pipe of opium before he started to describe his journey. Isn't that so?

A. Oh, yes; but I have a way of mixing it. I wanted him to talk to me. He thought it was not so potent because he could not get under the influence, and so I arg'y'd with him: "No; it is just the same, dearie, only you have gotten used to taking it now," I said. Ah, but I had learned how to make him talk. I had learned how,—giving him a little at a time.

THE COURT: Proceed.

BY MR. SCOTT:

Q. But you did get him under the influence of opium, didn't you?

A. Oh, yes, yes; I always did that.

Q. And his eyes were filmy, sometimes closed, and sometimes opened?

A. Yes; that is the way the opium works.

Q. He continued under the influence of opium, though you were attempting, by filling his pipe and arousing him, to make him talk. Is that not so?

A. Yes; I kept shaking him to make him talk. I wanted to hear it, and I heard it; I heard it.

Q. And finally he came under the influence of

PROSECUTION'S TESTIMONY—GREWGIOUS

opium so that he was in a stupor, and you were unable to arouse him?

A. Yes, after I had heard all I wanted to.

Q. Have you told us all you heard on that occasion?

A. Oh, I might have heard a few other things. I guess I told you the important things.

MR. SCOTT: That is all.

THE COURT: Proceed. Proceed.

THE WITNESS: Thank you, dearie. I am glad to get through with this. I thank you.

(GREWGIOUS takes the witness stand.)

BY MR. BELL:

Q. Well, what is your vocation, sir?

A. Being an angular man, I may say I am a solicitor.

Q. Angular, but not crooked, I suppose, sir?

A. Angular refers to the disposition. Crooked likewise refers to the disposition, in some lawyers.

Q. For the defence?

A. Not always, sir.

Q. Where do you live?

A. Staple Inn, Holborn, London.

Q. You are the guardian of Rosa Bud, aren't you?

A. I am, sir.

Q. You of course knew Edwin Drood?

A. I did, sir.

Q. You knew that he and Rosa were betrothed, didn't you?

A. I did, sir.

Q. They were betrothed by the wills of their parents; in their last wills, weren't they?

A. That is so, sir.

Q. Now I want to direct your attention to a visit you made to Cloisterham on the day after Christ-

TRIAL OF JOHN JASPER

mas, or the following day. You made that visit, didn't you?

A. I did, sir.

Q. At whose instance did you go up to Cloisterham?

A. At the instance of my ward.

Q. Rosa Bud?

A. Yes.

Q. Did she ask you to convey a message to this defendant?

A. She did.

Q. Did you do so?

A. I did.

Q. You called at Jasper's rooms on the evening of December 27th?

A. I did.

Q. Now tell the court and jury, without further inquiry from me, for you are an intelligent witness, just what happened.

A. I entered the apartment of the prisoner, unannounced. He was in his easy chair. His clothing was disarranged. It was covered with mud. I spoke to him of the strange disappearance, and after that I told him I had surprising news, news that would surprise him, and he turned to me without a word, and he moved in his chair, and groaned, and I said to him, "Do you want me to wait until the morning," and his reply was, "Go ahead," and I started slowly to tell him. I started slowly to tell him, because I wanted to mark the effect upon him of what I had to say. I told him that my ward and his nephew had determined not to marry; to break their engagement. His hands—

Q. Then you told him they had broken it on the evening of December 23rd, didn't you?

A. I did, sir.

Q. Now what happened when you told him this?

OPENING ADDRESS FOR DEFENSE

A. He grabbed the chair with his hands, his face grew ghastly, and his lips were white and quivering, a leaden pallor came over his face, and bubbles of perspiration, like drops of steel, came out on his cheeks. He arose from his chair with a writhing motion, he gasped, he threw back his head, and fell with a terrible shriek upon the floor, a miry mass of clothes.

Q. And this was what happened when you simply told him that Edwin and Rosa had broken their engagement on the evening of December 23rd.

A. It is so.

NO CROSS-EXAMINATION.

MR. BELL: The Commonwealth rests.

THE COURT: The Commonwealth has now closed. The Court announces a recess for five minutes.

(After Recess.)

THE COURT: The Court will now be in order. Counsel for the defence will open to the jury.

MR. WOODIN:

You have listened to the case of the prosecution in their attempt to prove the prisoner at the bar guilty of the crime of murder. Although under the evidence as presented the defense would be justified in asking for a verdict of not guilty, without the presentation of any further testimony, we desire to give you, gentlemen, the fullest possible opportunity for inquiry into all the circumstances of this case, and to that end we shall place the defendant himself upon the stand.

In order that his testimony, and that of those who shall testify on his behalf, shall be given proper effect I wish to suggest to you that while you see the prisoner in the dock, a place of shame, while you have heard an indictment charging him with murder, while there may be passages in the official

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record which might, to a prejudiced mind, seem to throw some suspicion on the prisoner, nevertheless, I ask you to remember that this defendant comes upon the stand as a witness, presumably innocent; and I shall ask you to remove from your minds any residuum of prejudice which may remain there because of the circumstances surrounding this trial up to the present time.

Invective and accusation are not argument, and as one of the witnesses for the prosecution aptly said, "Circumstances may accumulate so strongly even gainst an innocent man, that directed, sharpened, and pointed, they may slay him." It is within the bounds of possibility that anyone, however innocent, might occupy the position in which John Jasper is now placed, and I shall ask you to consider his testimony with that possibility in mind. We present to you, therefore, in John Jasper, a man presumably innocent, a man of intelligence, a man of morbid sensibility, a man upon whom his myriad misfortunes so preyed that he felt himself obliged to resort to the use of an opiate to keep himself from being driven utterly mad. A man bowed down and broken by a grief we can hardly measure, as a result of his loss of one for whom his love has ever remained constant and does so remain to this day.

I shall ask you to keep in mind that we are not here to prove the angelic purity of the accused. We are not here to prove that he had not, as which of us has not, unworthy aims and unfortunate impulses. We are not here to contrast unfavorably his character and life with that, let us say, of Canon Crisparkle; but we are here to say to you and to prove by our evidence that this man is not, and could not be, guilty of the crime of murder, upon all the evidence which has been, and will be, submitted for your consideration.



MISS SARAH EVANS
as
Mrs. Tope

DEFENSE—MRS. TOPE'S TESTIMONY

We shall show you by other witnesses the reputation of this defendant as well as the reputation of that "child-like" individual whom his fond tutor, Canon Crisparkle, has done so much to protect. We shall show you that the so-called suspicious circumstances brought forward by the prosecution in their monstrous persecution of this defendant are explainable as most ordinary and common place. We shall show you these things in order that your verdict of "Not Guilty" may stand as a rebuke to those who would seek to take advantage of the unfortunate and persecute the innocent.

THE COURT: Call a witness and proceed expeditiously.

DEFENDANT'S EVIDENCE.

(MRS. TOPE takes the witness stand.)

BY MR. SCOTT:

Q. You are the wife of the verger at Cloisterham?

A. I am.

Q. You and your husband keep the gatehouse there, don't you?

A. Yes; we both kept the gatehouse.

Q. Jasper lives with you?

A. He is my lodger.

Q. Of course you know Mr. Jasper?

A. Oh, I know him very well.

Q. You have known him for sometime, I understand?

A. I have known him quite a number of years.

Q. Do you know other people who know him at Cloisterham?

A. Everyone, nearly, in Cloisterham, knows him.

Q. What is his reputation for peace and quietness?

A. He is a quiet, peaceable man. He never loves any noise or trouble.

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Q. You knew his nephew, Edwin Drood?

A. I knew his nephew well.

Q. What was the relationship?

A. Of friendliness between the uncle and nephew. The uncle was very careful of the health of his nephew. He was always looking after his comfort. He would look at his feet, even, to see if his shoes were not damp, and take such trouble with him that Edwin said he must not mollycoddle him so much.

Q. Do you remember the evening of December 27th, 1851?

A. I do.

Q. Did you see Mr. Jasper that night?

A. Yes; I saw him that night.

Q. That was two days after the disappearance of his nephew, Edwin Drood, wasn't it?

A. It was.

Q. What was Mr. Jasper's appearance when you saw him?

A. He was in a swoon on the floor, where he had fallen when he was told about the estrangement of his nephew.

Q. When he was told of the engagement being broken between Rosa Bud and Edwin?

A. Yes.

Q. Who was there telling him that?

A. Mr. Grewgius was there.

Q. When Jasper lay there on the floor, collapsed, what was Grewgius doing?

A. Grewgius was sitting there looking at him, just quite unconcerned.

Q. What had been Mr. Jasper's condition before his collapse, as to physical strength?

A. Well, he had not eaten anything for a whole day. He would not eat anything in the morning; he would not eat any dinner, and I told him that

DEFENSE—CROSS-EXAMINATION

he would have no strength unless he would eat something.

Q. He had been engaged for two days, seeking along the banks of the river for his nephew, Edwin, hadn't he?

A. Yes; he had been out all that time.

Q. You say his clothes were covered with mud. He had every appearance of exhaustion, hadn't he?

A. Yes; he seemed very much exhausted.

CROSS-EXAMINED.

BY MR. BELL:

Q. Madam, you spoke about the reputation of Jasper for peace and quiet there in Cloisterham, didn't you?

A. Yes.

Q. What do you know about these visits he made to London, to Princess Puffer's den of iniquity?

MR. SCOTT: That is objected to. There is nothing in the record within the knowledge of this witness as to this den of iniquity.

MR. BELL: It is to test her credibility.

THE COURT: If she knows of the visits, she may testify; if she does not know, she will say so.

BY MR. BELL:

Q. Do you know anything of these visits of Jasper, the defendant, to Princess Puffer's opium den in East London?

A. I know nothing about his visits there.

Q. You never heard of his going there?

A. I never heard of his going there.

Q. So that your knowledge of his reputation for peace and quiet is confined to the confines of Cloisterham?

A. That is all the place I lived. But of course he was there, and I knew what his reputation was there.

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Q. In that little community. Well, we will concede that.

(Laughter.)

THE COURT: Any other questions?

MR. BELL: I was just thinking,—but that will do, Mrs. Tope.

(HELENA LANDLESS takes the witness stand.)

MR. SCOTT: This is an adverse witness, and I therefore claim, on behalf of the defendant, the right to cross-examine.

MR. BELL: I do not think this is an adverse witness. This little stage play does not signify much.

THE COURT: We will see whether the witness is adverse or not. Proceed with the examination.

MR. BELL: Do not prejudge the matter, counselor.

By MR. SCOTT:

Q. What is your relation to Neville Landless?

A. I am his twin sister.

Q. Miss Landless, did you have an interview with your brother immediately preceding the dinner at John Jasper's on the Christmas Eve of 1851?

A. He called at the Nuns' House on the way to the dinner.

Q. Was he armed with a heavy walking staff made of iron-wood?

A. He had a cane, which he said he intended to use on a walking trip the next day.

MR. BELL: Don't be alarmed, young lady. Nobody will hurt you.

(Laughter.)

Q. Did he express to you his reluctance in going to the dinner at Jasper's house to there meet his enemy, Drood?

MR. BELL: That is objected to.

THE COURT: The objection is overruled. The witness will proceed.

DEFENSE—HELENA LANDLESS

A. He spoke of his reluctance to go to the dinner, and said he wished he were not going; that he did not like to do it.

Q. Did you watch your brother as he went down to the entrance of the gate-house?

A. I stood at the Nuns' House and watched him. He walked down to the entrance of the gate-house. He passed it several times. Finally he turned rapidly, and went in.

Q. Miss Landless, do you remember the conversation between your brother and Mr. Crisparkle on the banks of the river at Cloisterham?

A. I do.

Q. Did not Mr. Crisparkle say that your brother was in the wrong, and the assailant of Edwin Drood at Jasper's house, the night of your arrival at Cloisterham?

A. He did, but Neville was provoked.

Q. Didn't your brother Neville, refuse to make amends to Edwin?

A. Yes; but isn't there a difference between submission to a generous spirit, and submission to a base and trivial one?

Q. Didn't your brother clench his fists when he refused to make these concessions?

MR. BELL: Gently leading, I suggest, your Honor.

MR. SCOTT: This is an adverse witness to us. The evidence is against her own twin brother.

THE COURT: The question will be permitted.

MR. BELL: Will your Honor grant me an exception?

THE WITNESS: Oh, must I answer?

THE COURT: The Court sympathizes with the embarrassment of the witness, but the question is a proper one.

MR. BELL: Well, it will be answered.

BY MR. SCOTT:

Q. Tell the exact words that your brother said.

TRIAL OF JOHN JASPER

A. He said "The plain trouble is, I am still as angry, when I recall that night, as I was that night."

Q. Didn't your brother, Neville, then confess to Crisparkle that he loved Rosa Bud, and had ill will against Drood upon her account?

A. He admired Miss Bud very much.

Q. What else did he say?

A. He said that he could not bear to see her met with deceit and indifference.

Q. Go on, what else?

A. That she was being sacrificed in being bestowed upon Edwin.

Q. What else did he say? Answer the question. What else did he say?

MR. BELL: Oh, put the words in her mouth, if you want to.

(Laughter.)

BY MR. SCOTT:

Q. Go on, answer the question. Don't pay any attention to that Attorney-General. Answer the question.

A. He said "I love her, and despise and hate him," but—

MR. SCOTT: Cross-examine.

CROSS-EXAMINED.

BY MR. BELL:

Q. Well, now, young lady, you have not told all of this conversation, have you?

A. No.

Q. Now let me ask you if this was not the vital wind-up of the conversation: that Canon Crisparkle reasoned with your brother, and you reasoned with your brother, and finally he gave his word of honor as a Christian gentleman that he would meet Edwin Drood half way, and become reconciled, and let bygones be bygones. Isn't that so?

A. He said he was willing to meet him half way.



JOSEPH P. ROGERS
as
Mayor Sapsea

DEFENSE—SAPSEA'S TESTIMONY

Q. And didn't Canon Crisparkle say that Edwin Drood should meet him half way, or even more than half way?

A. Yes; I believe he did.

Q. So that the wind-up of this interview on the river, that counsel has indicated you were so averse to tell, contained, in the finale, an agreement on his part as a Christian gentleman, giving his solemn pledge that he would meet Edwin Drood and become reconciled. Isn't that substantially so?

A. It is.

BY MR. SCOTT:

Q. Just before he went into the gate-house, he still told you that he admired and loved Rosa Bud, didn't he?

A. Yes; he did.

THE COURT: Call another witness.

MR. SCOTT: I desire now, may it please your Honor, to call the Commonwealth's witness, Mayor Sapsea.

MR. BELL: Oh, pardon me—pardon me. Some people have greatness thrust upon them. The Mayor insisted, I mean Mr. Dogberry insisted, on being called as the Commonwealth's witness, and we gratified his vanity.

THE COURT: The witness will take the stand. Proceed.

(MAYOR SAPSEA takes the witness stand.)

BY MR. SCOTT:

Q. What is your full name?

A. Thomas Sapsea.

Q. What is your business?

A. I am something of a literary man, but my business is that of an auctioneer.

(Laughter.)

TRIAL OF JOHN JASPER

Q. And what is your official position, Mr. Sapsea, in Cloisterham?

A. I have told you that I am doing the town of Cloisterham, and its people, the honor of being its Mayor.

Q. Mayor, you can scarcely be ignorant of the fact that you know the world?

A. Ignorant? No. I know something of the world, something of the world, young man. While I have not been to foreign countries, foreign countries have come to me. I put my hand upon a clock, a French clock, and I at once say "Paris." I may see a cup and saucer of Chinese make. I then say "Pekin, Canton, or Nanking." So it is with Japan, with India. I have picked up a spear of Eskimo make, thereby putting my finger on the North Pole.

(Laughter and applause.)

Q. Mayor Sapsea, what was the testimony before you when Landless had his hearing, charged with the disappearance of Edwin Drood?

A. The testimony before me was—sitting, as I was, as the Magistrate at that time, your Lordship—that Landless had armed himself with an offensive weapon, that he had gone to the dinner, and that night he had arranged and destroyed some of his papers, and placed his possessions in a hidden sort of fashion; that when he was arrested there was blood upon his clothing. And I do not recall anything else of importance.

Q. There was testimony that he had anteriorly threatened young Drood, was there not?

A. Without doubt.

MR. BELL: Is this an adverse witness?

THE COURT: The witness will proceed. This is an intelligent witness.

BY MR. SCOTT:

Q. That was all of the testimony before you, Mayor, wasn't it?

DEFENSE—SAPSEA'S TESTIMONY

A. It was, indeed.

Q. Knowing the world, and being a student of human nature, will you state whether you have since stated your suspicions of this young man, Landless?

A. I have stated that there is more than suspicion—almost certainty, almost certainty. We have not got the proof, of course, but proof must be built up, stone by stone, and thus allowing the secrets of the prison house to escape,—“the secrets of the prison house,” your Lordship, is a term that I use when I am upon the bench—I have not the slightest doubt but that the long arm of the law will reach out and get the murderer. With the iron will of my friend, Mr. Jasper, pursuing, the long arm and the strong arm of the law, will reach out and get him. “The long arm, and the strong arm,” is what is called the investigation of the law.

Q. You discharged young Landless from custody, after you heard all the testimony, including the testimony of the finding of the watch and chain, together with the pin, didn't you?

A. I did my duty as an English Magistrate, and discharged him.

Q. Why did you discharge him?

A. I did not deem there was sufficient proof under the law. No one had seen the lost boy, and the proof not going beyond a moral certainty, I therefore discharged him.

Q. Was there any proof before you that Drood had been killed?

MR. BELL: I object. It is not in the record. If there were, we would not be here to-night.

MR. SCOTT: The great trouble, may it please your Honor, is that he has been having some of his assistants in Harrisburg read the record.

MR. BELL: *Qui facit per alium facit per se.*

TRIAL OF JOHN JASPER

MR. SCOTT: The record states "No discovery being made which proved the lost man to be dead, it at length became necessary to release the person suspected of having made away with him. Neville was set at large."

THE COURT: The Court so recollects what is said in the book, and the witness can so testify.

(Question read as follows: "Was there any proof before you that Drood had been killed?")

MR. BELL: I object to it. It is not in the record.

THE COURT: Proceed with the answer.

MR. BELL: I object to such a question, that such a question is not in the record.

MR. SCOTT: Don't let the pealing of a "Bell" disturb you.

THE COURT: Proceed.

MR. BELL: I insist upon a ruling, and that this witness shall not go "Scott" free in all of his answers.

THE COURT: The objection is overruled, and the witness will proceed.

BY MR. SCOTT:

Q. Proceed with your answer, Mr. Sapsea, Mayor.

A. There was no proof of the death of Edwin Drood before me.

Q. You know John Jasper, don't you?

A. I know him very well indeed.

Q. How long have you known him?

A. Oh, for a great many years.

Q. Are you particularly well acquainted with Mr. Jasper?

A. Very well acquainted with him. In fact Mr. Jasper is one of my admirers. I might add, among my other admirers, Mr. Jasper was one of the first, I believe, to recognize the merits of a slight literary effort on my part in behalf of the late Mrs. Sapsea.

DEFENSE—CROSS-EXAMINATION

Q. What is Mr. Jasper's reputation for peace and quiet?

A. It is unspotted and flawless—flawless indeed.

MR. SCOTT: You may cross-examine. I might say, Mr. Attorney-General, that at times even a Dogberry bites.

MR. BELL: I am always wary of Greeks bearing gifts.

CROSS-EXAMINED.

BY MR. BELL:

Q. May I ask if you, in your intimate acquaintance with Mr. Jasper, ever went on some jaunts, and opium debauches, down to London town?

A. Never beyond a few bottles of port wine,—in my own house, always.

Q. So that this wide knowledge of the world that you had, so far as Jasper is concerned, is within the confines of your mayoralty?

A. Within the confines of the ancient town of Cloisterham.

Q. Are you related to Hoch Der Kaiser, or Theodore the First?

(Laughter.)

A. No; but I strongly suspect that somewhere at the counsel table is a relative of Villa's.*

Q. Are you intentionally guilty of an anachronism, or inadvertently so?

A. As you choose to take it.

Q. You speak of this literary talent you have, about the versatility of talent you possess. Will you kindly read to the jury this gem of literary merit that you refer to?

A. Regarding the late Mrs. Sapsea?

Q. Regarding the late Mrs. Sapsea.

A. With pleasure.

*Villa, at the date of the trial, was at the head of an insurrection in Mexico, and there was rumor of war between him and the United States.

TRIAL OF JOHN JASPER

Q. I wish them to know what a literary pen you have.

A. With pleasure. "Ethelinda, reverential wife of Mr. Thomas Sapsea, auctioneer, valuer, estate agent, etc., of this City, whose knowledge of the world though somewhat extensive, never brought him acquainted with a spirit more capable of looking up to him. Stranger, pause, and ask thyself the question, canst thou do likewise? If not, with a blush retire."

Q. Is it not true that the prisoner here extolled the par excellence of this literary effort of yours?

A. He admired it at once, upon his hearing my reading of it.

Q. Did you lend to the rhyme of the poem the music of your voice also?

A. I allowed it to have all that it was entitled to under the circumstances.

Q. Now just one question more. I want to know—I ask you if you recall, Mr. Mayor, what quadruped in the animal kingdom you and Dogberry typify?

A. I answer that we are almost in the same stable.

Q. Now I want to ask you, for it seems an affront to your dignity—treason, lese-majeste—

THE COURT: Proceed.

BY MR. BELL:

Q. Why did you not expunge from the record this part of it. "Accepting the jackass as the type of self-sufficient stupidity and conceit—a custom perhaps, like some few other customs, more conventional than fair, then the purest jackass in Cloisterham is Mr. Thomas Sapsea, auctioneer." Why did you not expunge that from the record?

A. Well, Mr. Attorney-General, if that refers to me, it was written about me because you were not then living in Cloisterham.

(Laughter and applause.)

DEFENSE—JASPER'S TESTIMONY

(JOHN JASPER takes the witness stand.)

BY MR. SCOTT:

Q. You are the defendant, aren't you?

A. I am.

MR. SCOTT: Keep your voice up, so the jury can hear you, Mr. Jasper.

BY MR. SCOTT:

Q. What is your name?

A. John Jasper.

Q. Where do you live?

A. Cloisterham. I have rooms with the verger, Mr. Tope.

Q. What is your profession?

A. I am the choir master and organist of Cloisterham Cathedral.

Q. And your age is what?

A. 27 years.

Q. How long have you lived at Cloisterham?

A. About ten years.

Q. What was your relationship to Edwin Drood?

A. I was his uncle.

Q. Mr. Jasper, you are charged with the murder of your nephew. Did you murder him?

A. I did not.

Q. When did you last see your nephew, Edwin Drood?

A. I last saw my nephew, Edwin Drood, on Christmas Eve., about 12 o'clock.

Q. Keep your voice up, Mr. Jasper, so that the gentlemen at the end of the jury can hear you.

THE COURT: The Court will ask the witness to speak in a distinct tone of voice, so that he may be heard.

BY MR. SCOTT:

Q. What hour of the night, on this Christmas Eve, did you last see your nephew?

A. Twelve o'clock.

TRIAL OF JOHN JASPER

Q. Will you tell the jury in your own way of the occasion of your seeing Edwin Drood on this Christmas Eve?

A. I had arranged a party of reconciliation between my nephew, Edwin Drood, and Neville Landless. Sometime prior to that the boys had had a misunderstanding, and I arranged this little dinner to bring them together. They met there that night, and about twelve o'clock they left my rooms to go to view the effect of the storm on the river, a storm having arisen about eleven o'clock. That is the last I saw of him.

Q. What did you next do?

A. The next morning I rushed over to Canon Crisparkle's home, and on my way there I observed a crowd standing around the Cathedral tower. The hands of the clock had been torn off. The lead of the roof had been rolled up and thrown to the ground, and some of the stones had been broken off. I saw Canon Crisparkle standing at his window, and I rushed up and I said "Where is my nephew?" He said "He is not here. He is not with me." I said "He is not? He left about midnight last night with Neville Landless, and has not returned." He said "Neville left early this morning." I said "Let me in; let me in."

Q. What was done with reference to Neville Landless?

A. A posse was organized, of which I was one, and we followed the route taken by Neville Landless.

Q. And he was apprehended and brought on before Mayor Sapsea as the Mayor, as related here in the court room. Isn't that so?

A. He was.

Q. After Landless was paroled in the custody of his teacher, what did you then do?

A. I spent two days and two nights searching the river banks, but I could find no tidings of my boy.

DEFENSE—JASPER'S TESTIMONY

Q. You remember the evening of December 27th, 1851?

A. I do.

Q. Whom did you meet that evening?

A. I had returned to my home, exhausted from my search, without food, without rest, and Mr. Grewgious called to see me.

Q. What did Mr. Grewgious say to you? What did you say to him?

A. Mr. Grewgious entered my apartments, and he said to me "This is strange news." I said "It is"—referring to the disappearance. He said "I have news for you that will surprise you." He said "Will you hear it now?" I said "Tell it to me." He told me then that he had called to tell me that Edwin Drood and Rosa Bud had broken off their engagement.

Q. What then happened, as far as you remember?

A. As I had built up my hopes in connection with my nephew and Rosa Bud, in my weakened condition I fell to the floor in a swoon.

Q. When you regained consciousness from that swoon, what did you then say?

A. I told him that I had some crumbs of comfort from the story which he told me. I told him that I thought probably the disappearance of Edwin Drood was explained by the fact that he probably did not care to remain in Cloisterham to answer the questioning tongues of the townspeople concerning the broken engagement.

Q. While you were relating that, who else came into your room?

A. Canon Crisparkle.

Q. What did Canon Crisparkle say in reference to your view?

A. I had expressed the same theory in his presence, and he said "I trust that may be true."

TRIAL OF JOHN JASPER

Q. What did you then do?

A. Following that, I spent all my time in endeavoring to weave around the one man I supposed to be guilty of the murder of my nephew—to weave around him the net, and I followed him to London. I followed Neville Landless to London and spied upon him, and watched him, although I never saw him come out of his quarters until night, only at night.

Q. Mr. Jasper, you stated that this Christmas Eve dinner with Edwin and Neville was for the purpose of establishing a friendly relation between the two young men. Had there been a quarrel between them?

A. There had.

Q. When?

A. Sometime prior to that, the day that Neville Landless and his sister arrived in Cloisterham, a party was given, or rather a dinner was given by that good man, Canon Crisparkle, at his home. They were there. Neville Landless, and his sister, Rosa Bud, and Edwin and myself. And in the evening the boys went home with Helena—

Q. Don't talk so fast, and keep your voice up so that the jury can hear the whole of your story. Throw your voice out so that those at the end of the court room may hear.

MR. BELL: Remember, he is undergoing a strain.

BY MR. SCOTT:

Q. Proceed.

A. The two boys saw Rosa Bud and Helena home from the house. Meantime I had been out for a stroll. As I came home I heard words. I stepped across the street and heard Neville Landless say, "In the part of the world I come from, you would be called to account for this." I stepped in between the boys, and I insisted upon them becoming good friends, and invited them to my quarters. While

DEFENSE—JASPER'S TESTIMONY

they were there I brewed, or rather I mulled, a glass of wine for them, and during the course of the evening they fell to discussing things. Recrimination followed recrimination, until as a result of their quarrel Neville Landless drew back with his glass, and dashed the contents of his glass in the face of Edwin Drood, and if it had not been that I was there at that time to protect him, he would have thrown the glass after it. He struggled to break away from me, and dashed the glass on the hearthstone, and rushed from my quarters.

Q. This mulled wine that you gave to Edwin and to Neville, did you mull it at your open fireplace before the two young men?

A. I did.

Q. Did you fill the glass of both young men and also your own glass, from the common vessel?

A. I did; in their presence.

Q. What did you do with the wine that you filled in your own glass?

A. I drank it.

Q. In their presence?

A. In their presence.

Q. When Neville Landless came to your home to have this meal on Christmas Eve, did you notice whether or not he carried a heavy walking stick of iron wood?

A. I noticed that he had such a stick with him.

Q. When you saw him apprehended the next day, eight miles from Cloisterham, was he still armed with that stick?

A. He was, and I called the attention of those who were around that there were blood spots upon the stick, and there were blood spots upon his clothes.



JOHN P. COUGHLIN
as
John Jasper

DEFENSE—CROSS-EXAMINATION

A. No, and I was very anxious that they should not.

Q. You made the acquaintance of one Durdles up at Cloisterham?

A. I did.

Q. I suppose he was one of your intellectual equals, wasn't he?

A. He was not.

Q. And yet you were very chivalric with him, weren't you?

A. I was.

Q. You wanted to carry his bundle home for him?

A. I had conceived the desire or intention of writing a book, if I were capable of so doing, concerning Cloisterham and its people, and I wanted to get local atmosphere, and I selected my friend Durdles as being a character, and therefore I effected his acquaintance.

Q. So in order to get local atmosphere you carried his bundle home that contained the key to the Sapsea vault, hey?

A. To when do you refer? What time?

Q. You know the night to which I refer?

A. From Sapsea's?

Q. No. When he was standing up against the iron rails of the cemetery. That is the night.

A. That was after the Sapsea visit?

Q. Yes, the same night. You had tried to get the bundle at Sapsea's?

A. I weighed the keys in my hand.

Q. Were you trying to get local atmosphere up there, too?

A. I was; and I got it, too.

Q. What was it—a drink?

A. No. Conceit, from my friend, Mayor Sapsea, and reality, from Durdles.

Q. Were you trying to get local atmosphere when you and Durdles stood behind the wall, seeing Canon

TRIAL OF JOHN JASPER

Crisparkle and Neville Landless going by, and stooped down so that they would not see you? Was that local atmosphere?

A. It was. I got the local atmosphere of a good kindly man in the futile attempt of taming a tigerish disposition. It was so futile that it was ludicrous to me, and I laughed.

Q. Why did you hide behind the wall when they went by? In order to get the local atmosphere?

A. Because I wanted to be alone with Durdles, and hear his own story.

Q. You did not want them to know that you were going to take this midnight expedition down in the crypt, did you?

A. They had heard of it.

Q. You did not want them to know you were going down that night in the crypt?

A. They had heard of it.

Q. You went down clandestinely?

A. Not necessarily. It was mentioned before Sapsea, the Dean, and Tope.

Q. Then why did you hide behind this wall?

A. As I explained, as I said, we did not want any interruptions. We wanted to go down there alone, without being detained.

Q. Then you did not want them to know you were going down that night?

A. I did not want to be detained.

Q. You went down at midnight?

A. We did.

Q. Why did you take along this wicker bottle filled with liquor?

A. The nearest road to Durdles' affections was by the liquor route.

Q. So you bought this liquor to give to Durdles—you, a member of the Church?

DEFENSE—CROSS-EXAMINATION

A. You have heard what Durdles has said about bringing enough for twice two, and being twice welcome.

Q. You, a Churchman, provided yourself with a bottle of liquor, and you went down on this midnight expedition into the crypt with Durdles?

A. I did.

Q. Of course he passed away?

A. He became intoxicated, it is true.

Q. Was it your idea of getting local atmosphere to spend two hours down in the crypt, alone, while Durdles, from whom you expected to get it, lay in a drunken stupor, the result of your having given him liquor?

A. He was kind enough to bring me there, and I would not go away without him.

Q. So you gave him the liquor, and he gave you the bundle with the key in it?

A. What key?

Q. I asked you, the key?

A. There were two keys. Which key?

Q. Were there two keys in the bundle?

A. I don't recall seeing them.

Q. You were intensely interested in a key in the bundle?

A. There were two keys. To which key do you refer?

Q. I refer to the key in the bundle, the key in the bundle at Mayor Sapsea's; the key in the bundle when you chivalrously escorted him home?

A. What key was it, and I will tell you? There were two keys that night.

Q. What did you get in the bundle that you wanted to get?

A. I didn't see a key in the bundle.

THE COURT: The witness has a right to answer in his own way.

TRIAL OF JOHN JASPER

THE WITNESS: If he will tell me which key he is referring to; I don't think he knows.

MR. BELL: It is immaterial.

BY MR. BELL:

Q. There was a key in the bundle, wasn't there?

A. I didn't see a key in the bundle.

Q. Didn't you see him put a key in the bundle up at Mayor Sapsea's?

A. That was several days before. That was the key of the Sapsea monument.

Q. Yes.

A. The keys that he used—I will tell you for your information, that which he used that night was the key which admitted us to the crypt; and the other key—after we ascended the stone steps through the crypt up to the chancel hall, there was a door leading up into the tower. He had two keys, and if you will tell me which key you are referring to, I will try to explain it to you.

Q. You just took the whole three keys, and sounded them in a musical way?

A. There were but two that night.

Q. Up at Sapsea's weren't there three?

A. There were. Being a musician I was anxious to strike the chord.

Q. I think we have got enough local atmosphere in a midnight expedition. Tell me why—when you came out—when you came out why did you grab the boy by the throat in a demoniacal rage, and threaten to strangle him because he happened to be on the watch?

A. That was not the first time I had met that boy.

Q. You did threaten to strangle him then?

A. I did attempt to strangle him that night.

Q. You were in love with Rosa Bud, weren't you?

A. I was.

DEFENSE—CROSS-EXAMINATION

Q. Madly in love with her?

A. Passionately.

Q. Do you remember that interview you had with her in the nun's garden?

A. I recall it very distinctly; yes.

Q. Didn't you say to her there, referring to Neville Landless, that he was in direct peril, and, "Judge for yourself," you said to her, "whether another admirer can love you and live?"

A. Referring to him. I meant that, and I meant it thoroughly, as I regarded him as the murderer of my dead nephew.

MR. SCOTT: That question is objected to.

BY MR. BELL:

Q. Didn't you refer to Edwin Drood——

MR. SCOTT: That is objected to.

BY MR. BELL:

Q. Didn't you say, sir, having reference to Edwin Drood, whom you are charged with murdering here, that had the ties which bound you to him been one silken thread less than what they were, you would have swept even him out of existence, because of your mad love for her?

A. I did say that, and I also said that while I thought she was his, and while I thought that he had her love, that I proved loyal to him and to her, and I never would utter one word of love to her until after the engagement had been broken six months.

Q. But she told you at that interview that you told her that you loved her madly, all the time he was alive. Didn't you?

A. I did.

Q. And she knew it as a result of your hypnotic glances. Didn't she tell you so?

A. I have no hypnotic influence over her, or over any other person.

TRIAL OF JOHN JASPER

Q. Well, you kept a diary, didn't you?

A. It is in evidence.

Q. You make entries in that diary, don't you?

A. They are in evidence.

Q. And didn't you, after the watch and pin were found in the river—by the way, you suggested to Mayor Sapsea that the river be searched?

A. He was the one to attend to that.

Q. But you said you understood him to say so, when you, in fact, said so?

A. The suggestion came from me. It was a proper thing to do under the circumstances.

Q. Why did you put it into his mouth?

A. Because he probably overlooked his duty at that time.

Q. After the watch and pin were found, you wrote in your diary, "My dear boy is murdered," didn't you?

A. I did.

Q. And you wrote that you threw to the winds—you scouted all suggestion that he had disappeared?

A. Yes; I did.

Q. That any thought of that kind perished before the fatal discovery of the watch and pin up there in the weir by the river—didn't you?

A. I did.

Q. And you went into mourning for your nephew?

A. I did.

Q. And you, from that time on, have invariably referred to him as murdered, haven't you?

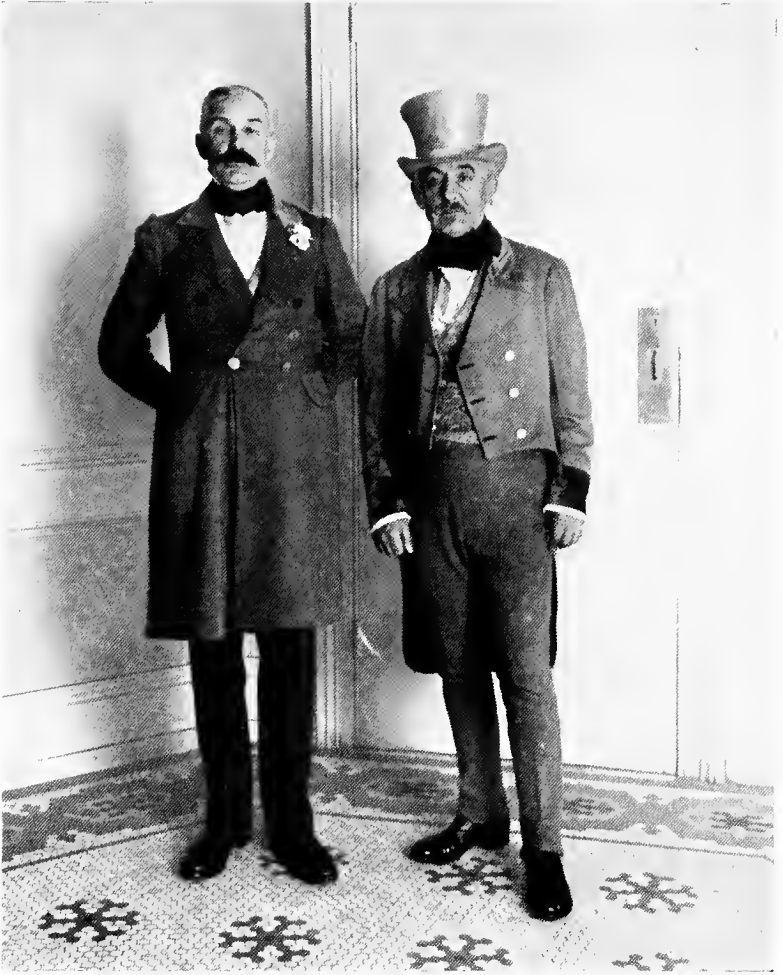
A. I have.

Q. Now you want this jury to think that he is not, do you?

A. No.

THE COURT: Are there any more witnesses?

MR. SCOTT: That is the defence, your Honor.



TWO OF THE VENIREMEN

Wm. T. Tilden A. G. Hetherington

DEFENSE—CLOSING SPEECH OF COUNSEL

THE COURT: Gentlemen of the jury: counsel for the prosecution have very magnanimously agreed to shorten the program. The Attorney-General, who had prepared to sum up in a masterly way to the jury, has agreed to waive his right to do so.

The attorney, however, for the defence, has not yet appeared in the trial. It is agreed that he shall have ten minutes talk to the jury, after which there will be a recess of five minutes, and then the Court will charge the jury.

Counsel for the defence will now proceed to the jury.

MR. SCOTT: May it please your Honor.

Gentlemen of the jury: This defendant is presumed to be innocent. Before you may find him guilty you must have evidence not only sufficient to overcome this presumption of innocence, but to convince you of the defendant's guilt beyond every reasonable doubt. The burden of presenting such evidence is upon the Commonwealth.

The Commonwealth must prove—

First: that Edwin Drood was murdered.

Second: that he was murdered by John Jasper.

Has this been accomplished by the Commonwealth's testimony?

What is the evidence of John Jasper's guilt? No mortal claims to have seen the defendant murder his nephew.

Its highest offer is a tissue of straggling, unconvincing circumstances which it claims point to his guilt.

It is claimed that his love for Rosa Bud is the motive; it is claimed that the knowledge of and visit to the crypt and tower were preparations for the crime; it is claimed that the drunken mutterings of this defendant at Princess Puffer's den were admissions of guilt; but how flimsy is such evidence. And how quickly it disappears upon the slightest scrutiny!

TRIAL OF JOHN JASPER

The love of Jasper for Rosa Bud was concealed in his heart as sacredly and secretly as the love of Grewgious for the drowned mother of his ward. And this secret love of Jasper for Rosa Bud was accompanied by his open, expressed love and affection for his nephew, the betrothed of Rosa Bud. Nor was this love for Rosa Bud voiced until six months after the broken engagement and the disappearance of Edwin.

Can this affection for the girl who was soon to marry his nephew be called motive actuating the destruction of his own nephew? If the defendant's love for Rosa Bud, concealed and sacred as it was, is a motive for this crime, how do you dispose of the defendant's great love, affection and tenderness for the nephew of whose murder he is charged? How do you dispose of the testimony of honest Mrs. Tope, who tells you her sincere story of this affection?

What evidence of the defendant's guilt is given to you by the poor, drunken Durdles in his besotted story? He met Jasper at the home of Mayor Sapsea and there obtained the keys to the Sapsea tomb; he tells you that these keys were weighed by Jasper, but at the suggestion of Durdles, himself; that later in the evening Jasper proffered his kind offices to accompany the poor drunkard to his home and to carry his bundle, which Durdles was almost incapable of carrying. Is the accusation of the guilt of this defendant strengthened at all by this portion of Durdles' story? And, again, when Durdles tells you that on Monday night before Christmas Eve, as previously arranged, Jasper came to his hovel for the purpose of visiting the crypt and tower of the Cathedral, does he give you any evidence against this defendant?

The prosecuting attorney makes much of the fact that on this visit Jasper carries with him a wicker bottle of liquor for Durdles; but he forgets Durdles'

DEFENSE—CLOSING SPEECH OF COUNSEL

story "that anyone was welcome to call at his home who brought liquor for two, or if he likes to make it twice two, he will be twice as welcome." And he makes much of the fact that Durdles and Jasper left the crypt, going to the top of the tower and while on the trip Durdles carries the rum, and Jasper—Durdles' ever present dinner bundle. But he forgets that there was no evidence that the bundle on that night contained the key to Sapsea's or any other tomb.

Does the testimony of Durdles, that he and Jasper concealed themselves by the wall when Crisparkel and Neville Landless passed, and that Jasper laughed at the poor, innocent Crisparkel and the savage young tiger from Ceylon whom he sought to tame, point to this defendant's guilt? He ignores the fact that Jasper ever sought retirement from companions, that he was a man who led a solitary, melancholy life. The prosecuting attorney points to Durdles' characterization of Jasper's angry expression towards Landless, as an indication of this defendant's guilt; but he forgets the cause of that enmity—that but a short time before this same young man had attempted to cut down the beloved nephew of Jasper. What would the Commonwealth ask you men to draw from Durdles' testimony? Surely there is no significance in Jasper's desire to go to the top of the tower, or in paying his guide, Durdles, with the price that appealed to him most, a bottle of liquor. Surely no guilt can be inferred from Durdles' drunken dream in the crypt, because he tells you, himself, that the Christmas Eve before in that same crypt his drunken dream was "a ghost of a shriek and the ghost of a howl of a dog."

The Commonwealth then resorts to its pitiful attempt to prove the defendant's guilt by the worthless testimony of an opium hag—a poor, drunken sot who tells you that for sixteen years she was a

TRIAL OF JOHN JASPER

drunkard making her living by selling opium to "Chinamen, Lascars and Knifers." Who resorts to begging and has shown her willingness to add blackmail to her nefarious callings. They would attempt by her testimony to raise the mutterings of this benumbed defendant while under the influence of opium so willingly supplied by her hands, to admission of guilt. But with all this, what does this poor creature tell you? Nothing more than that the defendant smoking opium in her den referred to a journey that he had often taken in his fancy, and then she depicts his actions and tells of his incoherent mumblings while completely under the influence of the drug.

The Commonwealth would ask that you give to the story of this wicked, worthless hag, this drunkard, this opium smoker, this associate of Chinamen and cut-throats, the credence of verity. What violence to the common-sense of intelligent men, is this?

Nor can the testimony of Grewgious persuade your mind of the guilt of this defendant; rather does it establish more convincingly his innocence; more does it remove the Commonwealth's argument of motive. Grewgious pictures to you the scene of the defendant's collapse on the evening two days after Edwin's disappearance. The Commonwealth contends that the collapse of the defendant following the sudden information by Grewgious of the broken engagement of Edwin and Rosa Bud, points to his guilt. Does it not rather eloquently picture Jasper's great love for Edwin; does not his collapse after his days of exhausting search better portray the blasted hope for his beloved nephew's happiness?

This is the Commonwealth's whole story against John Jasper. Is there any portion of it that points to the guilt of the defendant?

But we have another towards whom the finger of suspicion points—Neville Landless, whose own lips

DEFENSE—CLOSING SPEECH OF COUNSEL

said "I love Rosa Bud and I hate and despise Edwin Drood."

If there was motive on Jasper's part of secret love for Rosa Bud what more was the motive for this wild young tiger from Ceylon who had lived a life unrestrained, inflamed with infatuation for Rosa Bud, impulsed by his hatred for Drood—a hatred bred of insult by Drood, and his championship of the lady herself. Who is this Neville Landless? By his own words, "Of such tigerish blood that he would have struck Drood down on the day of their first meeting had this defendant not restrained him." From his own tongue, "One who would have murdered his stepfather had not natural death prevented." But we find even more—not only his murderous disposition, but also we find him the last person in whose presence is seen Edwin Drood. Who but Landless testifies to the return of Drood from the trip to the river?

But more: the next day after the disappearance of Drood the citizens of Cloisterham pursued Landless and he is not overpowered until he is stricken down and has struck down with his heavy iron wood stick at least one of his captors. Surely, here lies suspicion: motive, openly expressed; opportunity clearly shown. And more—we find that it is towards Neville Landless that the finger of suspicion is pointed and the good people of Cloisterham shun and condemn him. The good Dean of the Cathedral directs Crisparkel to dismiss him from his home.

How can you, jurymen, say by your verdict that the finger of guilt points towards John Jasper more than toward Neville Landless?

Upon the part of this defendant the testimony shows Jasper's love for Edwin Drood; of Neville Landless it shows his hate for Edwin Drood.

On the part of John Jasper the testimony shows his love for Rosa Bud sacredly concealed in his

TRIAL OF JOHN JASPER

breast; not disclosed until six months after the breaking of the engagement and the disappearance of Edwin Drood. Of Neville Landless it shows his love for Rosa Bud, monstrous, openly declared to Crisparkel and to Helena, his sister, in the words, "Husband or no husband, that fellow is unworthy of her. I love Rosa Bud and I hate and despise him."

On the part of the defendant, John Jasper, there is shown no opportunity to have murdered Edwin Drood on Christmas Eve. Of Neville Landless the testimony shows that it was in his company Edwin Drood was last seen; that Landless was armed with a stick that might well have laid Edwin low.

Of Jasper, we find from the testimony that he was of a quiet, melancholy, retiring disposition, given to the habit of opium smoking. Of Neville Landless the testimony tells us he is of tigerish blood, of unrestrained temper, of violent, murderous, disposition.

Does the Commonwealth claim that the guilt of John Jasper has been proved by the finding of the watch and chain and pin? Surely there can be no such contention because we find from the evidence that twenty minutes after two o'clock on the 24th day of December this watch was wound by the local jeweler. When the watch was found on the 28th day of December in the timber of the weir by Crisparkel the watch had run down and had not been wound. Does this give to the Commonwealth the right to contend that Jasper placed this watch and pin where found?

Gentlemen of the Jury, is it not a significant fact that we find Neville Landless roaming along the banks of the river in the neighborhood of the weir after his parole by Mayor Sapsea and before the discovery of the jewelry by Crisparkel? Is there any more evidence against Jasper as to the placing

DEFENSE—CLOSING SPEECH OF COUNSEL

of them, than against Landless? Was there any more opportunity to Jasper than to Landless?

Has the Commonwealth even proved that there was a murder of Edwin Drood? Where is the proof? Where was he murdered and how? Does the Commonwealth charge he was decoyed to and thrown from the top of the tower? Does the displacement of the stone and the lead of the tower top and the removal of the hands of the tower clock explain Drood's fall from its height? If so, where is the evidence at the bottom of the tower? Where are the blood stains? Do they not forget the fearful storm of the night hours "that tore through the streets of Cloisterham. No such power of wind had blown for many a winter night; chimneys toppled to the street and large branches torn from the trees crashed to the earth." Do they forget this or deliberately ignore it?

Or does the Commonwealth claim that Jasper garrotted Drood with the scarf with which the singer protected his throat from the dampness of the Cathedral and that the body was concealed in the Sapsea tomb, buried in the quicklime from Durdles' yard. If this is the Commonwealth's contention, where is the proof of this unholy use of his protecting scarf? Where is the proof that the lime which was seen unprotected a week before, retained its destructive properties until this Christmas Eve? For the Commonwealth to establish the retention of this strength it would have to controvert the very laws of nature. If this is their contention why the absence of Durdles' testimony to prove the disappearance of the quicklime? Why the absence of the testimony to prove the disturbance of the tomb? If there is evidence of this fact, the Commonwealth must have it at its hands; the key to Sapsea's monument is in the possession of their witness, Durdles.

Does the Commonwealth contend that the body

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was disposed of in the river? The search of many days has failed to aid this contention.

The failure of the Commonwealth to prove Drood's murder seemed so apparent that even the committing Magistrate, Mayor Sapsea, said, in dismissing the inquiry of Drood's disappearance, "Nothing more being found and no discovery being made which proved the lost man to be dead, it was necessary to dismiss the person suspected."

We, therefore, respectfully submit to the jury that the Commonwealth has failed to prove the two essential elements in this case:

First—That Edwin Drood was murdered.

Second—That he was murdered by John Jasper, and the defendant should therefore be found "NOT GUILTY."

MR. BELL: * Gentlemen of the jury: I daresay I may give proper expression to your feelings in the oft-repeated saying of that royal murderer—

"If it were done when 'tis done, then 'twere well it were done quickly."

When Billy Sunday, the evangelist, addressed the University students the other day (pardon the anachronism) his text was: "Be strong and prove yourself a man." Even so, do not let any mollycoddle misgivings or doctrinaire doubts sweep you from your mental moorings in this case.

I submit I have proved everything I have promised in my opening address. First, then, let us consider the hypocritical, infamous, murderous character of this defendant, that you may conclude he would not hesitate to commit the crime of murder

*Due to the lateness of the hour, Mr. Bell graciously agreed to omit his closing speech. Owing to the excellence of the address, the Editor deems it fitting to publish the same.

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with which he is charged. It has been vainly sought to prove his good character in aid of the defense of reasonable doubt. But what does the good Canon Crisparkel, or that monument of stupidity and conceit—Mayor Sapsea, or the simple Mrs. Tope or any of the other sweet souls who are cloistered in Cloisterham, know about the other side of the lantern—about the doings in the opium joints of East London? There is a difference between reputation and character. It may be conceded that the prisoner's reputation within the narrow precincts of Cloisterham was good; but the fact is conclusively established that his character was hypocritical, infamous and murderous. An organist, leader of the choir in the old Cathedral, his vocation was to direct the thoughts, the hopes, the hearts, the prayers of sinners to high Heaven. But, arch-hypocrite that he was, between the sacred services, he betook himself incog. to Princess Puffer's den of iniquity, frequented by low characters, where he indulged in opiate debauches and gave vent to murderous mutterings and threats against his nephew. Demonstratively professing for that nephew the tenderest affection, he nevertheless made fiendish love to his fiancée, enslaving her with his Svengali-like looks, and forbidding her to disclose his hellish affection to Edwin. That this love was mad and murderous is established by her unimpeached testimony, for you will recall what she told you of that scene in the garden—how, in a mephistophelian monotone, with imperturbable countenance, he avowed over and over again that he loved her madly, and that no other admirer could love her and live; aye, more, that had the ties which bound him to his dear boy been one silken thread less, he would have swept "even him" out of human existence because of his mad love for her. Gentlemen, it is clear beyond a doubt that John Jasper's heart was as black as

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pitch—his instincts bestial, fiendish, and that he was a character of Hell. Away, then, with all suggestion that this man's character should weigh in the balance of reasonable doubt.

What I have said to you indicates the motive that actuated the crime—mad, murderous love for Rosa—fiendish jealousy of his innocent, unsuspecting and loving nephew. Love, at once the inspiration and the desperation of the world, what crimes are committed in thy name! It has been so in all ages and among all peoples. Achilles liked to have sacrificed Greece and her glory for a female captive.

Mark Antony nearly lost a world for the dark-eyed sorceress of the Nile. Mirabeau almost bartered his love of country for the love of a Queen. Charles the Second's dying words were: "Don't let poor Nellie starve." So, too, his name enshrined in the motto—"England expects every man to do his duty," even Lord Nelson petitioned the Nation to pension his "Lady Hamilton." Crimes against self and family and country are these! Witness further the reign of Henry VIII, with its murderous crimes against the Church and Heaven.

A patriotic modesty moves me to refrain from mentioning Alexander Hamilton's amours, or Old Hickory's infatuation for the bar maid. Love, then, gentlemen—murderous love—such was the motive of John Jasper.

And now, bearing in mind his hellish character and his murderous motive, let us pass to the incriminating circumstantial evidence which convicts him, to a moral certainty, of this crime. And here, let me again remind you that our present great Chief Justice Gibson has declared that such circumstantial evidence in the concrete may be infinitely stronger than positive testimony. And so it is in this case.

Let us then examine this evidence in the concrete, item by item, and ask yourself, in each instance,

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this pointed inquiry: Is this item of evidence consistent with innocence? Is it explicable upon the theory of innocence? If it is not, and leads, step by step, to the conclusion of guilt, then, gentlemen, your duty lies plainly before you. I ask you, then, is it consistent with innocence that John Jasper should endeavor mal-adroitly, to get from Durdles the keys to the crypts and the Sapsea vault; that this churchman should have induced Durdles to take him clandestinely into the crypt at midnight, and then have stupefied Durdles with drink, enabling Jasper to spend several hours there in undisturbed exploration; that upon emerging and finding Deputy on the watch, he should, in demoniacal rage, almost have strangled the boy? That under the pretense of acting as a peacemaker, he should have given drugged wine to Edwin and Neville and fanned the flame of their quarrel into a white heat, and then declared that young Landless' conduct was murderous.

Is it consistent with innocence that Jasper should have waited from twelve o'clock midnight until the next morning, and then have burst, pale, half-naked and panting, upon the crowd, demanding to know where his nephew was; that he should have made no inquiry during the raging storm between midnight and morning if he were so exercised by his dear boy's absence; that he should have falsely put the words suggesting the searching of the river and its banks, into the mouth of Mayor Sapsea? Who threw the watch and pin, found by Mr. Crisparkel, into the river? Why did John Jasper make this suggestion, and why did he make it in this disingenuous and insidious way?

And now let us turn to the incident of December 23rd under the Cathedral elms, as Edwin and Rosa bade each other an affectionate farewell. Why was John Jasper there, peering, spying at them under

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the trees as they kissed each other good-bye? And why did he covertly follow them to the gatehouse? Why was Rosa Bud so perturbed? And here, let us pause for a moment, that you may consider Rosa Bud's condemnation of John Jasper. Why did she accuse him, in the garden scene, of being a bad, bad man, disloyal and false to Eddy? Why did she suspect Jasper of this crime before anyone else? Ah, it was her instinct! There is nothing like a woman's instinct! She may know little of the rules of logic; she may lack, as Kipling says, the qualities that make for abstract justice; but no one will deny that her instinct is "deadlier than the male." She jumps right to the conclusion, and her conclusion is right, too. Don't forget, in your deliberation upon this case, that the unerring, deadly instinct of this woman adjudged the guilt of John Jasper long before the slow process of the law had woven its web about him.

Gentlemen, it was that kiss under the trees that fanned the flame of fiendish jealousy in the black heart of this defendant to a white heat. To him it meant the confirmation of their promise of marriage to be solemnized in May. And mark you what Jasper did. Off he went that night to the opium den of Princess Puffer. What murderous mutterings and threats against Edwin Drood he gave vent to while there, you have had from the lips of Princess Puffer who followed him to Cloisterham the next afternoon, December 24th, and there met Edwin. And here let me pause again, in the recital of these events, to adjure you not to let the motive of this witness be attacked. Low women are not devoid of hearts. The instincts of humanity and natural justice often well up within them more strongly than in the hearts of their gentler sisters. It was the instinct of humanity and natural justice, the desire to warn and prevent the foul murder of

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an innocent boy, that moved this woman to follow this villian to Cloisterham.

Ah, but Counsel will argue that these warnings uttered by Princess Puffer, even if made by John Jasper, were mental hallucinations—the vaporings or fancies of a drug-beclouded mind. Not so, not so! “In vino veritas” is a maxim that has been coined out of the wisdom and experience of ages—when the wine or drug is in, the truth is out.

But, mark you further, that there is an identifying circumstantiality infinitely stronger than positive testimony, that demonstrates the sanity and truth of these utterances. Recall what the woman said to Edwin on this afternoon of December 24th; how, when he told her his name was Edwin, she said, “Is the short of that name Eddy, and don’t sweethearts call it so?” And here note that Rosa Bud, alone, called him “Eddy.”

Again, Princess Puffer said, “You should be thankful your name ain’t Ned.” “Why?” “Because that is a bad name just now—a threatened name—a dangerous name.” “Threatened men live long,” he answered. “Then you, Deary, even while I am speaking to you, should live to all eternity.” Gentlemen, there could be but one meaning to that warning—that he, whose name was Ned, was in imminent danger of death. The hand of death was upon him—upon Ned. And, mark you, the one man in all the world who called Edwin Drood “Ned,” was John Jasper. And that night, Ned was murdered. Don’t you see that there is a sequence, a chain of events and identifying circumstances—an interlinking of the foretelling and doing of this crime—a circumstantiality about the whole matter that demonstrates that John Jasper’s tongue alone uttered the threats, and his hand alone did the deed. Truly, “Of our vices, the gods make instruments to plague us”; aye, and whatever the mystery, the

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eternal "Truth is mighty, and will prevail." But the incriminating evidence accumulates.

It piles up, Pelion on Ossa. It is the evening of December 27th, two days after the disappearance of Edwin Drood.

Jasper has publicly accused Neville of murder, resulting in his arrest. He has had his hearing and has been detained by Mayor Sapsea. The banks of the river have been searched by Jasper and others, for two days, for evidence of the crime. At this juncture, Grewgious comes to tell Jasper that the engagement had been broken; and when he reveals it, mark you what happened: This defendant rises from his chair, ghastly pale, with dreadful drops—as of steel—bursting upon his brow. He shrieks, tears his hair, writhes in agony, swoons, and falls—a mass of miry clothes—upon the floor.

Gentlemen, I say to you that that conduct is absolutely inconsistent with innocence—inexplicable upon any theory of innocence—and everlastingly stamps upon his brow the indelible brand of guilt. It was in truth, the realization that the foul murder which he had committed, had been vain and useless; and, arch-criminal though he was, the suddenness of the news unnerved and overcame him. Thus, deadly in its incrimination, you have witnessed the vain and lamentable effort at explanation, i.e., that Jasper, upon hearing of the broken engagement, was suddenly brought to a realization that the "air-castles" he had built for his boy, were shattered, and hence, in his exhausted condition, he was overcome and swooned? Gentlemen, that explanation is an insult to your intelligence, for, when apprised of the broken engagement, the defendant could have entertained but two theories—either that Edwin had been murdered, or that he had disappeared. Consider each in turn. If Edwin had been murdered—as all Jasper's actions indicated—then Edwin had

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passed to the Great Beyond where there is no marriage or giving in marriage. What booted it then that his earthly engagement of marriage had been broken? How could such news, according to any rule of reason or gauge of human conduct, have caused John Jasper to shriek in terror—tear his hair—writhe in agony—swoon—and fall, a miry mass, upon the floor? Again, if Edwin had disappeared, then the news must have meant a ray of hope; and hence, if Jasper had given verbal expression to his feeling, it would have been a sigh of relief, and not an agonizing shriek. Don't you see, therefore, that this shrieking, agonizing spectacle, consistently with innocence, is inexplicable upon either theory? Besides, the news meant to Jasper that the girl whom he madly loved, was free. And thus you see the attempted explanation indicts, incriminates, convicts. The truth is, you can no more explain away this guilty conduct of John Jasper than you can blot the sun out of the firmament. You remember how Lady Macbeth seeks to wash the stain of guilt from off her hand. "Out, out, damned spot," she cries. "With all great Neptune's ocean, wash this blood clean from my hands." And she rubs and rubs and rubs. "No, this, my hand, will rather the multitudinous seas incarnadine, making the green one red." Even so here—this incriminating conduct of the defendant is the damned spot that will not out, and it gives an indelible hue and stain of guilt to the whole case.

And now, this explanation failing, you see the further defences fall one by one; for weak and vain indeed is the attempt to make it appear that Neville Landless committed this crime. This an exploded theory—a twice-told tale. Why, if Neville Landless is guilty, was he discharged in Cloisterham, with all the suspicions and prejudice against him—which you have heard here—when these were pre-

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sented before Mayor Sapsea, and who, you will recall, was dominated by this wily defendant? Don't you see that this is but an attempt to befog and becloud your mental vision and the real issue in this case by stale, discarded and discredited suspicions and prejudices which were aroused and fomented by Jasper himself? But, if there be the semblance of a doubt in the minds of anyone of you as to the absolute innocence of Neville Landless, as he has testified here upon the stand, you have such admission of his innocence from the defendant himself; for you will recall the garden scene over the sun dial. The defendant begs Rosa to remove danger from Neville Landless if she cares for his sister. Rosa asks Jasper whether he thinks Neville is guilty, and Jasper replies: "Circumstances may accumulate so strongly *even against an innocent man* as to slay him." That admission, gentlemen, is so important, that it is italicized in the record of this case.

But again, our opponents will further say, "You have not proved that Edwin Drood was in fact murdered, and you have got to prove it beyond a reasonable doubt; he has only disappeared." Yes, gentlemen, we have got to prove it beyond a reasonable doubt, but not beyond a possible doubt. A possible doubt inheres in everything. There is a possible doubt that some of you may die before this trial is over, but that is not a reasonable doubt, you see. And similarly, there is no reasonable doubt that Edwin Drood was murdered. To begin, Edwin Drood was a truthful and honorable boy. He had received from Rosa's guardian, Grewgious, an engagement ring which had belonged to Rosa's dead mother. He received it upon a solemn trust to return it should the engagement be broken. And when the engagement was broken on the afternoon of December 24th, he further promised Rosa to remain at

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Cloisterham until Grewgious should come up to advise Jasper of the broken engagement, at which time Edwin purposed returning the ring. Both of these promises were broken, and it is unbelievable that Edwin Drood, if alive would have broken them.

Again, referring to Jasper's incriminating conduct, I have demonstrated to you that the shrieking, tearing of hair, writhing and swooning of this defendant, in the light of all the surrounding circumstances, means, and only can mean, guilt. And if it is guilt, it is murder; it can be no other or less crime. But still further, gentlemen, mark you that this defendant, himself, has registered his own solemn verdict that Edwin Drood was, in fact, murdered. Turn to his diary, and what has he entered therein?

"My dear boy is murdered. The discovery of the watch and shirt-pin convinces me that he was murdered that night, and that his jewelry was taken from him to prevent identification by its means. All the delusive hopes I had founded on his separation from his betrothed wife I give to the winds. They perish before this fatal discovery." (The discovery of the watch and pin in the river.)

And still further, all the prisoner's assertions, acts and conducts, from time to time since that entry—his persistence in treating the disappearance as murder—his wearing of mourning—his reference in his last visit to Princess Puffer, to the *death* of his nephew—all corroborate and confirm the defendant's own verdict in his diary—that, "*My dear boy was murdered.*" And, accepting this verdict, you will, of course, not be misled by any arguments of counsel about the *ways and means* by which the murder was committed. It may have been by strangulation with the black scarf; or, it may have been that the prisoner, during a post-midnight visit with Edwin to the top of the tower, suddenly hurled

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him off, into the abyss below, and then concealed his body in one of the vaults, with quicklime as the destroying agency; the watch and pin, known by Jasper to be indestructible by quicklime having first been removed from the boy's person and later cast into the river to divert suspicion. But all this is really useless discussion; for, Edwin Drood, having been, *in fact, murdered*, as has been proved beyond a reasonable doubt, it follows that such discussion as to *ways and means*, is immaterial, inconsequential, and to no purpose.

But again, and finally, gentlemen, remember that six months after this crime John Jasper once more visits the Princess Puffer. You will recall her testimony and study the record of that visit with scrutinizing care. You will learn from it that the Princess had been conversing with him about his former visits, and that he then lapsed into silence—thinking, ruminating upon the past. He is not under the influence of the drug, mark you, for he has inhaled but a “few whiffs”; but still, he becomes dreamy, seems to forget her presence, until she quietly and gently recalls his attention to her again. And then he says to her, “I was only thinking”—“thinking,” he explains, about something he “had upon his mind”—something (having reference to the past) that he was “going to do.” And then later, he asserts that “it was really done,” and he likens the “subject in my (his) mind” to a “journey with a fellow traveler”—“a difficult and dangerous journey”—“a hazardous and perilous journey over abysses where a slip would be destruction”; and finally, he declares, “the journey's made”—“it is over”—“no struggle”—“no consciousness of peril”—“no entreaty.” Have you the slightest doubt as to the meaning of all this—the self-incrimination—the guilt it bespeaks and records? Yes, gentlemen, the journey's made—it's over—*Ned* was murdered.

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And, under all the evidence, that vile hypocrite and arch-fiend—that incarnation of hell—did the deed. Not only the essential items of circumstantial evidence to which I have called your attention, “infinitely stronger” than positive testimony, lead inevitably, step by step, to the conclusion that Edwin Drood was murdered and that John Jasper was his murderer, but the whole intendment of the story, as disclosed in the entire record (the book) confirms and establishes the conclusion beyond a reasonable doubt. Gentlemen, the eyes of all the world are upon you. Do your duty under the law, human and divine—the law of this Commonwealth, of England, and of Heaven! Render your verdict—“GUILTY OF MURDER IN THE FIRST DEGREE.”

THE COURT: It is now eleven o'clock. The Court will take a few minutes recess. Those who cannot remain until the close of the trial, will take the opportunity now.

You should remember that this is the first time that a case of this character has been tried in an American Court. Why not give up at least one evening to the trial of a literary question?

The Court will now take a recess of five minutes, after which the Court will charge the jury, and then their verdict will be rendered.

(Five minutes recess.)

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COURT CLERK: Silence! The Court has reconvened.

CHARGE OF THE COURT.

ELKIN, P. J.

Gentlemen of the jury:

You have been chosen from a select body of veniremen to perform a duty, unusual in its character and more than ordinarily interesting in its nature. It is the desire of the Court to aid you in the performance of that duty by giving such instructions as may serve to guide your deliberations. John Jasper stands at the bar of the Court charged with the murder of his nephew, Edwin Drood. Murder is the most atrocious crime known to the law; it implies a wicked heart, a malicious mind, an evil intent and a wanton disposition. Human and divine law cry out against the commission of such a crime. The murderer, like the red-handed bandit, or the marauding brigand, is a challenge to civilization, and hence it is that the law demands as a protection to organized society, when one is convicted of unlawfully taking the life of his fellow man, he shall be made answerable for his crime even to the giving up of his own life. Life is dear to every one, and the right to enjoy and defend it is a blessing vouchsafed to us by the struggles and sacrifices of those who battled their way to freedom and liberty throughout the generations of men. The higher the civilization, the greater is the protection afforded the life, liberty and property of the individual. The right to enjoy and defend life and liberty is fundamental to the whole system of Anglo-Saxon jurisprudence, and hence it has come to be the settled law, that no man shall be deprived of these indefeasible rights without a trial by a jury of his peers according to the law of the land, with a full opportunity to be heard in a lawfully constituted court.



MR. JUSTICE ELKIN
who presided at the trial

CHARGE OF THE COURT

When a crime is charged, the accused is presumed to be innocent until proven guilty. This is the law of Pennsylvania, and as applied to the present case, it means that John Jasper, the accused, charged with the crime of murder, is presumed to be innocent until the Commonwealth produces testimony satisfactory to your minds that he is guilty beyond a reasonable doubt.

The case is extraordinary and unusual. It is the first time an American jury has been called upon to try such a case. You may consider yourselves complimented and honored in being selected from a panel of the most intelligent and highly respected citizens of Philadelphia to determine a question which for more than a generation has been discussed without reaching a conclusion by the ablest and most learned scholars of Great Britain. The attempt was made on the other side a few months ago to solve the Mystery of Edwin Drood by the trial of John Jasper in an English court. What was evidently intended to be a serious trial before a jury of English scholars developed into a burlesque, with the result that the mystery is still unsolved and nothing of value was suggested as an aid to its solution. Hence it was that the Dickens Fellowship of Philadelphia determined to have the case tried on American soil and in a Pennsylvania court. Inasmuch as the crime was committed in England, if committed at all, it was deemed advisable that the court should be presided over by an English judge, and that counsel should appear in the role of English barristers, but that the trial should be conducted according to the law of our own State. The right of trial by a jury of the vicinage and in the jurisdiction of the crime has been waived, and it is agreed that what is known in law as the *corpus delicti* may be established by inferences from facts and circumstances like any other fact in the case.

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In the prisoner's dock sits John Jasper charged with the murder of Edwin Drood. Is he guilty or not guilty? Your verdict must answer the question. It is your duty, without fear or favor, without interest or bias, without impulse or emotion, to carefully consider all the testimony adduced in your hearing, or contained in the record admitted in evidence, giving to the established facts their due weight according to your human experience, and then be guided by your deliberate judgment in deciding the guilt or innocence of the accused.

The record, the last book written by Dickens, by agreement of counsel, is in evidence. You have the right under the law to consider in your deliberations the facts thus proved. What does the record disclose and how have these facts been emphasized or explained by the witnesses produced at the trial, or by the learned counsel on both sides who have just addressed you? What is the story about and why should the lovers of Dickens and the students of literature in England and America be interested in solving this strange mystery? The mystery of Edwin Drood was the last book written by Charles Dickens. The author evidently intended this to be his greatest work. It was published in serial form from time to time as written, but it was never finished. With pen in hand, the great novelist, who has interested and amused the peoples of two hemispheres for half a century, sat in his chalet during the afternoon of his last day of consciousness, and wrote what we must consider his final words: "and then falls to with an appetite." His task was uncompleted and he passed from hence with the secret of the mystery carefully guarded in his own breast.

The author chose the quaint old town of Cloisterham, in the county of Kent, with its ancient Cathedral, its tower, its crypt, gate house, minor canon corner, and other lodgings and structures, as the

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habitat of his characters and the place to which they had occasion to resort. His mental conceptions represent a wonderful observation of character and show a strange insight into the tragic secrets of the human heart. He told the story of life as it is, and not as we might wish it to be.

In the consideration of this case you must keep in mind the precise question to be determined. The guilt or innocence of the accused is the question submitted for your decision, but this fact is to be established upon the basis of what the author intended. The important question therefore is the intention of the author, and this intention depends upon the inferences to be drawn from the facts and circumstances recorded in the book which has been offered in evidence. Did Dickens intend that Edwin Drood should be murdered by John Jasper, and if so, was the murder committed in the early hours of Christmas Day, 1851, when Edwin Drood disappeared, and since which time no one has ever seen him? It is apparent that the author intended to develop several distinct types of English life, and in portraying his characters to tell the story of real life with its joys, its pleasures, its compensations, its trials and its tragedies. A hasty glance at some of the leading characters may aid in giving you the atmosphere of the case and be helpful in arriving at a just verdict. There is the superficial, pompous, conceited, vain-glorious and self-sufficient Mr. Sapsea, auctioneer and mayor, but withal a useful citizen. We must not overlook Durdles, the stone mason, illiterate, given to drunkenness, slovenly in his habits, indifferent to appearances, but hard-headed and crafty, with a thorough knowledge of the subterranean recesses of the crypt, the passageways to the tower, and a natural instinct for devining the secret thoughts of men no matter how they may try to hide their real purposes behind the gloss of words and

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garb of respectability. Mr. Crisparkle, minor canon, "fair and rosy, early riser, musical, classical, cheerful, kind, good natured, social, contented and boy like," is one of the most interesting characters in the story. It was his nature to do kindly things, to be helpful to those in need, to strew the pathway of life with roses, to believe in his fellow man, and to have faith in the nobler qualities of the human heart. Grewgious, an English solicitor, the guardian of Rosa Bud, was an "angular" man, honest and faithful, true to every trust reposed in him, and fidelity itself in every fiduciary relation. Neville Landless was lithe and handsome, dark and rich in color, undisciplined and inclined to chafe under restraint, but strong, resolute, brave, quick to resent an insult, and courageous enough to defend what he conceived to be his rights under all circumstances. The character of Tartar is not fully developed, but enough has been told of the "powerful and sunburnt sailor" to show that he had the manly qualities of a gentleman, the patriotic spirit of the best type of his race, and the gallantry which springs from a brave heart in protecting and defending noble womanhood. Edwin Drood, as he says of himself, was "a surface kind of a fellow" with "a head-piece none of the best." He was young, rather fair to look upon, trained to some extent as an engineer, with a vague pride in the possible triumphs of engineering skill in the land of the pyramids. His father and Rosa Bud's father intended that these children of their affection should in their mature years be united in the holy bonds of matrimony. This testamentary disposition of fond parents ignored the law of natural selection, with the usual result—no marriage and sometimes tragic consequences. Rosa Bud was "wonderfully pretty, wonderfully childish and wonderfully whimsical." She was fair and beautiful, with tender affections and

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childish emotions, but true to the impulses of her own heart and resentful of any unwarranted intrusion upon the sacred prerogatives of a woman's love. Helena Landless was as beautiful as Cleopatra, and when occasion demanded it, as spirited and commanding as Maria Theresa at the head of an Austrian army. She emerged from the disadvantages of her early life as erect, stately and imposing as a Cathedral tower. Adverse conditions did not subdue her spirit, and when fight was proposed to escape from the miserable conditions of her childhood, it was "always of her planning and leading"; in these attempts she "dressed as a boy and showed the daring of a man." She was strong, capable, aggressive, resolute, high minded, tender, devoted to her brother, uncompromising where honor was involved and unflinching in the face of danger. She had the affection of a sister, the love of a woman, the devotion of a true friend, the strength of a man and the courage of a noble spirit. And what of the mysterious Datchery? Of him but little is known, and not enough has been told by the author to definitely indicate who he was or what part he was to play in solving the mystery. For the purposes of this trial it is of no importance to speculate upon the intentions of the author in respect to this character, but as a suggestion to the readers of Dickens, and without any intention to influence the jury, who are directed to disregard what is now said, the court expresses its belief that when Datchery has thrown aside the disguises which conceal the real person, underneath them, will be found the beautiful hair, the finely chiseled features, the graceful form, the brave heart and the noble soul of Helena Landless. And if this be true, why should not such a splendid type of womanhood be the wife of the good Mr. Crisparkle. John Jasper was, "impassive, moody, solitary, resolute, so con-

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centrated on one idea, and on its attendant fixed purposes, that he would share it with no fellow creature, he lived apart from human life." He was the precentor of the musical services in the Cathedral, and in Cloisterham was looked upon as a man of good reputation. He was educated, musical, accomplished and so far as appearances went, a man with correct ideals of life. But in London he was the patron of the Princess Puffer, the frequenter of the opium den, where he consorted with the low and vicious, and thus demonstrated the dual character of his life. Although he may have had a dual nature, this is not sufficient to convict him of the crime of murder. Evil minded men are not necessarily murderers. The commonwealth, however, contends that he had a motive for killing his nephew, and that having the motive, he had the evil mind and wicked heart to commit the crime. It is further contended that he was in love with Rosa Bud, and although her musical instructor, could not conceal from his pupil the intensity of his passion; that he belonged to the type of men who do not hesitate to batter down all obstacles in order to accomplish what their selfish natures desire; that Edwin Drood was betrothed to Rosa Bud, and John Jasper believed the intended marriage would take place; that with the marriage consummated he would be thwarted in his selfish purposes; and that with this situation confronting him when the parties met in Cloisterham to reconcile differences and to announce the engagement of these young people, he grew desperate and killed his nephew to prevent the marriage.

You know the rest of the story, the sudden disappearance of Edwin Drood, as if spirited away no one knew where nor could anyone explain the strange circumstances, the excitement in the old cathedral town, the feverish anxiety of the people

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and the strange misgivings of all concerned. After that night no one ever saw Edwin Drood; he disappeared from the face of the earth so far as the testimony discloses. How, when and why? It is for you, gentlemen of the jury, to determine these questions. What are the clues? You have heard the theories of the commonwealth and of the defence, and you will give these theories such weight as in your judgment they deserve. What significance is to be attached to the finding of the watch and pin of Edwin Drood in the weir? How came they there? Was it by accident or design? Were they cast away by the owner or mislaid by him, or were they thrown into the water by the murderer to conceal the evidence of his crime? Then, too, there was the nocturnal visit of John Jasper with Durdles to the crypt and tower a short time before the disappearance of Edwin Drood. How do you explain this strange search in the night time, while others slept, and what motive could the prisoner have had in making such an investigation in the dark, damp and gruesome resting place of the dead? The commonwealth points to a number of suspicious circumstances from which it is contended the guilt of the accused may be inferred. In this connection the learned counsel for the prosecution have directed your attention to the anger manifested by Jasper towards the boy, Deputy; to the scene in the lodgings of Jasper when Grewgious called to make inquiry after the strange disappearance of Edwin Drood; to the profession of love by Jasper to Rosa Bud when he was supposed to be sorely grieved by the loss of his favorite nephew; to the strange sayings and mysterious suggestions, indicating a disturbed mind, a conscience stricken spirit and a tortured soul, made by Jasper as he went under the influence of the opium furnished by the Princess Puffer; to the ring; to the quicklime; and to many

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other acts and declarations of the prisoner; all of which are intended to suggest suspicious circumstances from which the jury may be permitted to draw the inference of guilt. It is proper for the jury to give these facts and circumstances and the inferences to be drawn therefrom, due consideration in determining the intention of the author as to the guilt or innocence of the accused.

I have thus far addressed you upon the theory of the commonwealth, but this is only one side of the case. It is my duty, as it is yours, to give full consideration to the defences insisted upon by learned counsel who appear for the prisoner. It is contended with much force that the commonwealth has failed to make out a case; that Edwin Drood may not have been murdered at all; or if murdered, that the crime may have been committed by someone other than the prisoner at the bar. It is argued that all the facts and circumstances relied on by the commonwealth to ask a conviction are just as consistent with the innocence of John Jasper as that they are an indication of his guilt. The defence also points to the fact that John Jasper was vigilant and untiring in his efforts to discover the perpetrator of the crime, and it is argued that the whole attitude of the prisoner after the disappearance of Edwin Drood is inconsistent with the theory of guilt on his own part. It is proper to make this contention and it is your duty to give it due consideration, but the answer must of necessity depend upon your ascertainment of the fact whether the prisoner acted in good faith, and with a sincere purpose, or whether his actions were a mere cloak to conceal his own guilt by an attempt to point the finger of suspicion at someone else. You must be the judge of the good faith of his motives and the sincerity of his purpose, being guided by the evidence in the case.

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The defence also relies upon the well settled law that the guilt of the accused must be established beyond a reasonable doubt. The law in its humanity resolves all doubts in favor of the accused in a criminal case. This reasonable doubt must not be a whimsical, arbitrary, or speculative doubt, nor a mere conjecture or guess, but one which rests upon a reasonable foundation. It must be such a doubt as honest, conscientious, commonsense men entertain upon the facts and circumstances of the case. It must not represent a mere skeptical condition of mind, or hesitation to perform an unpleasant duty, or an unwillingness to draw a conclusion which may result in depriving the accused of his life or liberty. You must consider all the facts and circumstances, being guided by your experience and judgment as men, and then say whether the accused is guilty of the crime with which he stands charged beyond a reasonable doubt. In this connection the defence has introduced some evidence of good character, which, under the law of Pennsylvania is always admissible in a criminal case, and it is to be weighed and considered by the jury in connection with all the evidence in determining the guilt or innocence of the accused. Indeed, it has been held in a number of our cases that evidence of good character may of itself create the reasonable doubt which will entitle the accused to an acquittal. You should consider the evidence of good character in connection with all the other evidence in the case, and then determine from all the evidence, including that of good character, whether the accused is guilty beyond a reasonable doubt.

The prisoner has taken the stand as a witness in his own behalf and this he has the right to do under the law. Seven centuries have passed since the English barons forced the Magna Charta from the unwilling hands of King John on the grassy

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slopes of Runnymede, and since that time no man in England or the United States can be deprived of his life or liberty without a trial by a jury of his peers and an opportunity to appear and be heard in his own defence. This is an indefeasible right guaranteed by the organic law of Pennsylvania and the accused has availed himself of the right. While all this is true, you are not absolutely bound by the explanation of the prisoner, but it is your duty to give his testimony such consideration as in your judgment it is entitled to, keeping in mind his interest, the probabilities of his story, and all the evidence in the case. The credibility of the witness is entirely for the jury.

In your consideration of this case it is important to keep in mind, that the purpose of the trial is to discover the intention of the author in solving the Mystery of Edwin Drood, and hence the necessity of making this intention the turning point of the case in passing upon the guilt or innocence of the accused. It is the desire of the Dickens Fellowship of this city, as it is of the Court, that the jurors should give serious consideration to the solution of this mystery so that the verdict may be accepted as a result of your deliberate judgment upon the question involved.

Under our criminal code murder is of two degrees, the first and second, and for the purposes of the present trial, both sides agree, that your inquiry may be limited to a determination of the fact whether the prisoner at the bar is guilty of murder of the first degree, or of the second degree, or not guilty at all. We will therefore limit our instructions to what constitutes murder of the first degree and murder of the second degree. Murder of the first degree is the wilful, deliberate and premeditated killing of another with intent to take life. Murder of the second degree is the felonious and

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malicious killing of another, but without the specific intent to take life. There can be no conviction of murder of the first degree unless there be deliberation and premeditation with intent to take life before the killing. In every homicide case the presumption is no higher than that the accused is guilty of murder of the second degree, and if a conviction of murder of the first degree is insisted upon, the burden is on the Commonwealth to establish the facts necessary to show deliberation and premeditation with intent to take life. The duty of fixing the degree of murder belongs exclusively to the jury under the law of Pennsylvania, and we leave the performance of that duty to you. If the evidence satisfies your mind beyond a reasonable doubt that Edwin Drood was killed, and that the killing was the wilful, deliberate and premeditated act of the accused with intent to take life, you would be warranted in returning a verdict of murder of the first degree. If, on the other hand, you find from the evidence, beyond a reasonable doubt, that the prisoner feloniously and maliciously killed Edwin Drood, but without the formed purpose and the specific intent to take his life prior to the killing, you would be warranted in returning a verdict of murder of the second degree. If the evidence does not satisfy your minds beyond a reasonable doubt, that the prisoner committed the crime charged, you need give yourselves no concern about the degree of murder, but should return a verdict of not guilty.

The case is now submitted for your careful consideration. You have heard the evidence, the argument of able counsel on both sides, the charge of the Court, and it remains for you, gentlemen of the jury, to say by your verdict whether the prisoner at the bar is guilty or innocent of the crime charged, and if guilty, the degree of the murder.

You will now retire in charge of an officer of the

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Court, and when you have agreed upon a verdict, you will return so that the result of your deliberations may be recorded in open court.

COURT CLERK: The tipstaves will retire with the jurors, and see that they are not in communication with any persons excepting themselves during their retirement.

THE COURT: The Court will now take a recess for five minutes.

(Recess for five minutes.)

THE COURT: The Court will be in order.

COURT CLERK: Gentlemen of the jury, have you agreed upon a verdict. The foreman will please stand up.

FOREMAN OF JURY: We have.

COURT CLERK: During the rendition of the verdict, the jurors will stand and remain standing until the same is duly recorded and officially announced. How say you?

FOREMAN OF JURY: Not guilty.
(Applause.)

JUDGE PATTERSON: We ask that the jury be polled.

THE COURT: The crier will call the names of the jurors. As their names are called, they will arise in their places and announce the verdict.

MR. SCOTT: I would suggest that it be announced as to what ruling has been adopted on the part of the decision of the jury; that we are not bound by the present law of Pennsylvania.

THE COURT: I think they have the right to poll the jury under the law.

MR. SCOTT: I withdraw the motion.



THE TIPSTAVES

Walter S. Wheeler

Arthur L. Wheeler

VERDICT AND POLL OF JURY

COURT CLERK: John B. McMaster, how say you, guilty or not guilty?

MR. JOHN B. MCMASTER: Not guilty.

COURT CLERK: George W. Elkins, how say you, guilty or not guilty?

MR. GEORGE W. ELKINS: Not guilty.

COURT CLERK: James W. King, how say you, guilty or not guilty?

MR. JAMES W. KING: Not guilty.

COURT CLERK: A. G. Hetherington, how say you, guilty or not guilty?

MR. A. G. HETHERINGTON: Not guilty.

COURT CLERK: William Findlay Brown, how say you, guilty or not guilty?

MR. WILLIAM FINDLAY BROWN: Not guilty.

COURT CLERK: Rudolph Blankenburg, how say you, guilty or not guilty?

HONORABLE RUDOLPH BLANKENBURG: Not guilty.

COURT CLERK: Edgar F. Smith, how say you, guilty or not guilty?

MR. EDGAR F. SMITH: Not guilty.

COURT CLERK: George Wharton Pepper, how say you, guilty or not guilty?

MR. GEORGE WHARTON PEPPER: Not guilty.

COURT CLERK: Samuel W. Pennypacker, how say you, guilty or not guilty?

HONORABLE SAMUEL W. PENNYPACKER: Not guilty.

COURT CLERK: J. Parker Norris, how say you, guilty or not guilty?

MR. J. PARKER NORRIS: Not guilty.

COURT CLERK: Charlemagne Tower, how say you, guilty or not guilty?

MR. CHARLEMAGNE TOWER: Not guilty.

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COURT CLERK: J. William White, how say you, guilty or not guilty?

DR. J. WILLIAM WHITE: Guilty. (Applause.)

COURT CLERK: Gentlemen of the jury, hearken unto your verdict as the Court hath recorded it. You say you find the prisoner at the bar, John Jasper, not guilty of the murder for which he stands indicted, and so say a majority of you.

MR. SCOTT: I move the discharge of the prisoner, John Jasper.

THE COURT: John Jasper, you have been tried before a jury of your peers, charged with the crime of murder. You have been ably defended by counsel. The prosecution representing the Commonwealth, has pressed its suit for conviction. The jury selected represent the most intelligent citizens of Philadelphia. You are an Englishman. You have been brought to Pennsylvania for trial. You can thank yourself that the law of Pennsylvania protects the rights of Englishmen, as it does her own citizens. Here the law protects the rights of every man, no matter what his nationality may be. You are now excused.

I also desire to extend my thanks to the jurors for their attendance upon the Court, and their careful attention to this case.

You are excused, with the thanks of the Court.

COURT CLERK: The Court is now adjourned.



"That monster whom the Theban knight

*Made kill herself for very heart's despite
That he had read her riddle, which no wight
Could ever loose, but suffered deadly doole."*

SPENSER'S "Faerie Queen," Bk. v. cxi.

